

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**

**MAY 21, 2001**

**WALLACE STATE OFFICE BUILDING**  
**DES MOINES, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 10:00 a.m. on Monday, May 21, 2001, in the Wallace State Office Building, Des Moines, Iowa.

### MEMBERS PRESENT

James Braun  
Lori Glanzman  
Kathryn Murphy, Vice-Chair  
Gary Priebe  
Kelly Tobin  
Terrance Townsend, Chair left at 4:30  
Rita Venner, Secretary

### MEMBERS ABSENT

Lisa Davis Cook was unable to attend due to personal reasons.  
Darrell Hanson was unable to attend due to a business conflict.

### SWEARING IN OF NEW COMMISSIONERS

Director Jeff Vonk issued the oath of office to Lori Glanzman and Kelly Tobin.

### ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment – Kent Geffe representing Bee Rite Tires
- Add: Appointment – Mark Landa, City of Rhodes regarding Item 25
- Add: Appointment – Jim Meehan representing Quality Mat

*Motion was made by Kathryn Murphy to approve the agenda as amended. Seconded by Gary Priebe. Motion carried unanimously*

**APPROVED AS AMENDED**

### ELECTION OF OFFICERS

*Rita Venner nominated Terry Townsend as chairperson. Seconded by James Braun. James Braun moved that nomination cease and a unanimous vote be cast for Terry Townsend. Motion carried unanimously*

**TERRY TOWNSEND ELECTED CHAIR**

*James Braun nominated Kathryn Murphy as vice-chair. Seconded by Rita Venner. Gary Priebe moved that nominations cease and a unanimous vote be cast for Kathryn Murphy. Motion carried unanimously*

**KATHRYN MURPHY ELECTED VICE-CHAIR**

*Gary Priebe nominated Rita Venner as secretary. Seconded by Kathryn Murphy. Gary Priebe moved that nominations cease and a unanimous vote be cast for Rita Venner. Motion carried unanimously.*

**RITA VENNER ELECTED SECRETARY**

**APPROVAL OF MINUTES**

Rita Venner asked that the record reflect Terry Townsend thanked both Rozanne King and Randall Giannetto for their service on the commission.

*Motion was made by Rita Venner to approve the minutes for April 16, 2001, as amended. Seconded by James Braun. Motion carried unanimously.*

**APPROVED AS AMENDED**

**DIRECTOR'S REPORT**

Jeff Vonk said he was happy to report that the confirmation vote had occurred and he is now the Director of the Department of Natural Resources. He said the Legislature had passed a proposed budget, but the Governor has not yet signed or vetoed it. The Department does have concerns about some of the cuts the Legislature has asked for and will continue to work with the Governor's office to try to resolve the pending issues to the benefit of the Department. However, he does expect this to be a very tight year for the Department. He said the Governor did veto a bill, that the American Business Institute (ABI) had been very supportive of, on Air Quality issues. The Department will be working with ABI and other interested parties to help them through the rule making process and expects the Commission will receive further information relating to that issue later in the summer.

**FINANCIAL STATUS REPORT - YTD DIVISION EXPENDITURES**

Mark Slatterly, Bureau Chief, Budget and Finance Bureau, presented the following item.

Attached is the operations' FY `01 third quarter financial status report by division. This report contains actual expenditure information for FY `01 through March 31, 2001. All divisions are within their general fund budgets at this time with the exception of the Parks, Recreation and Preserves Division, Environmental Protection Division and the Forests and Prairies Division.

Iowa Department Of Natural Resources  
Financial Status Report

TOTAL DEPARTMENT THROUGH MARCH 31, 2001	FY 01 BUDGET	FY 01 BUDGET THRU MARCH	FY 01 ACTUAL THRU MARCH	01 BUDGET LESS ACTUAL 01
<b>RESOURCES</b>				
General Fund	\$17,842,133	\$12,777,132	\$13,517,122	(\$739,990)
Park Officer Retirements	\$0	\$0	\$0	\$0
Federal	\$15,148,046	\$11,069,726	\$8,643,621	\$2,426,105
Administration Fund	\$445,000	\$325,192	\$325,192	\$0
Conservation Fund	\$4,673,311	\$3,415,112	\$3,415,112	(\$0)
Other Funds	\$14,389,437	\$10,515,358	\$8,290,491	\$2,224,867
Groundwater Fund	\$3,881,415	\$2,836,419	\$2,082,336	\$754,083
Fish and Wildlife Trust Fund	\$26,246,240	\$19,179,945	\$19,034,101	\$145,844
<b>TOTAL RESOURCES</b>	<b>\$82,625,582</b>	<b>\$60,118,883</b>	<b>\$55,307,975</b>	<b>\$4,810,908</b>
<b>EXPENDITURES</b>				
Personnel	\$48,398,379	\$35,368,046	\$33,217,084	\$2,150,962
Extra Help	\$3,494,937	\$2,292,642	\$2,026,184	\$266,458
Support	\$16,175,133	\$11,820,290	\$13,081,572	(\$1,261,283)
Contracts	\$11,181,047	\$8,170,765	\$4,575,170	\$3,595,595
Equipment	\$3,376,086	\$2,467,140	\$2,407,964	\$59,176
<b>TOTAL EXPENDITURES</b>	<b>\$82,625,582</b>	<b>\$60,118,883</b>	<b>\$55,307,974</b>	<b>\$4,810,908</b>
ADMINISTRATIVE SERVICES THROUGH MARCH 31, 2001	FY 01 BUDGET	FY 01 BUDGET THRU MARCH	FY 01 ACTUAL THRU MARCH	01 BUDGET LESS ACTUAL 01
<b>RESOURCES</b>				
General Fund	\$1,643,486	\$1,201,009	\$1,197,680	\$3,329
Federal	\$833,486	\$609,086	\$509,646	\$99,440
Fish and Wildlife	\$2,129,741	\$1,556,349	\$1,633,380	(\$77,031)
Groundwater Fund	\$235,004	\$171,734	\$143,781	\$27,953
REAP	\$666,337	\$486,939	\$455,804	\$31,135
Marine Fuel Tax	\$253,533	\$185,274	\$256,641	(\$71,367)
Infrastructure	\$222,765	\$162,790	\$146,461	\$16,329
Other	\$640,675	\$468,186	\$416,779	\$51,407
<b>TOTAL RESOURCES</b>	<b>\$6,625,027</b>	<b>\$4,841,366</b>	<b>\$4,760,172</b>	<b>\$81,194</b>
<b>EXPENDITURES</b>				
Personnel	\$4,564,990	\$3,335,954	\$3,197,445	\$138,509
Extra Help	\$205,836	\$150,419	\$128,162	\$22,257
Support	\$1,482,301	\$1,083,220	\$1,275,842	(\$192,622)
Contracts	\$40,000	\$29,231	\$3,425	\$25,806
Equipment	\$331,900	\$242,542	\$155,298	\$87,244
<b>TOTAL EXPENDITURES</b>	<b>\$6,625,027</b>	<b>\$4,841,366</b>	<b>\$4,760,172</b>	<b>\$81,194</b>
DIRECTOR'S OFFICE THROUGH MARCH 31, 2001	FY 01 BUDGET	FY 01 BUDGET THRU MARCH	FY 01 ACTUAL THRU MARCH	01 BUDGET LESS ACTUAL 01
<b>RESOURCES</b>				
General Fund	\$682,651	\$498,860	\$495,019	\$3,841
Federal	\$542,333	\$396,320	\$318,400	\$77,920
Fish and Wildlife	\$359,830	\$262,953	\$212,331	\$50,622
Administration Fund	\$445,000	\$325,192	\$325,192	\$0
Groundwater Fund	\$130,661	\$95,483	\$47,223	\$48,260
Other	\$254,530	\$186,003	\$189,925	(\$3,922)

<b>TOTAL RESOURCES</b>	<b>\$2,415,005</b>	<b>\$1,764,811</b>	<b>\$1,588,090</b>	<b>\$176,721</b>
<b>EXPENDITURES</b>				
Personnel	\$1,332,519	\$973,764	\$900,122	\$73,642
Extra Help	\$86,799	\$63,430	\$67,938	(\$4,508)
Support	\$942,274	\$688,585	\$536,765	\$151,820
Contracts	\$0	\$0	\$0	\$0
Equipment	\$53,413	\$39,033	\$83,265	(\$44,232)
<b>TOTAL EXPENDITURES</b>	<b>\$2,415,005</b>	<b>\$1,764,811</b>	<b>\$1,588,090</b>	<b>\$176,722</b>
<b>ENERGY AND GEOLOGY THROUGH MARCH 31, 2001</b>	<b>FY 01 BUDGET</b>	<b>FY 01 BUDGET THRU MARCH</b>	<b>FY 01 ACTUAL THRU MARCH</b>	<b>01 BUDGET LESS ACTUAL 01</b>
<b>RESOURCES</b>				
General Fund	\$2,004,683	\$1,464,961	\$1,414,215	\$50,746
Federal	\$2,983,348	\$2,180,139	\$1,312,435	\$867,704
Oil Overcharge	\$238,183	\$174,057	\$139,540	\$34,517
Bonding Programs	\$216,728	\$158,378	\$143,297	\$15,081
Groundwater Fund	\$243,984	\$178,296	\$152,867	\$25,429
Other	\$189,405	\$138,411	\$61,071	\$77,340
<b>TOTAL RESOURCES</b>	<b>\$5,876,331</b>	<b>\$4,294,242</b>	<b>\$3,223,425</b>	<b>\$1,070,817</b>
<b>EXPENDITURES</b>				
Personnel	\$3,249,972	\$2,374,980	\$2,191,990	\$182,990
Extra Help	\$36,918	\$26,979	\$11,423	\$15,556
Support	\$610,225	\$445,934	\$338,622	\$107,311
Contracts	\$1,749,070	\$1,278,167	\$541,580	\$736,587
Equipment	\$230,146	\$168,184	\$139,810	\$28,374
<b>TOTAL EXPENDITURES</b>	<b>\$5,876,331</b>	<b>\$4,294,242</b>	<b>\$3,223,425</b>	<b>\$1,070,817</b>
<b>ENVIRONMENTAL PROTECTION THROUGH MARCH 31, 2001</b>	<b>FY 01 BUDGET</b>	<b>FY 01 BUDGET THRU MARCH</b>	<b>FY 01 ACTUAL THRU MARCH</b>	<b>01 BUDGET LESS ACTUAL 01</b>
<b>RESOURCES</b>				
General Fund	\$5,212,753	\$3,809,320	\$3,859,994	(\$50,675)
Federal	\$8,591,756	\$6,278,591	\$5,129,511	\$1,149,080
Air Contaminant Fees	\$6,575,485	\$4,805,162	\$4,062,962	\$742,200
Groundwater Fund	\$678,471	\$495,806	\$413,591	\$82,215
Water Protection Fund	\$2,206,131	\$1,612,173	\$831,861	\$780,312
Operator Certification Fees	\$344,541	\$251,780	\$81,241	\$170,539
Manure Certification Program	\$77,825	\$56,872	\$39,256	\$17,616
Stormwater Permit Fees	\$564,438	\$412,474	\$307,867	\$104,607
Well Contractor Fees	\$59,714	\$43,637	\$32,718	\$10,919
Water Supply Lab. Cert. Fees	\$149,446	\$109,211	\$67,434	\$41,777
<b>TOTAL RESOURCES</b>	<b>\$24,460,560</b>	<b>\$17,875,025</b>	<b>\$14,826,435</b>	<b>\$3,048,590</b>
<b>EXPENDITURES</b>				
Personnel	\$12,126,695	\$8,861,816	\$8,299,418	\$562,398
Extra Help	\$0	\$0	\$0	\$0
Support	\$3,214,777	\$2,349,260	\$2,233,585	\$115,675
Contracts	\$8,005,052	\$5,849,846	\$3,392,385	\$2,457,461
Equipment	\$1,114,036	\$814,103	\$901,047	(\$86,944)
<b>TOTAL EXPENDITURES</b>	<b>\$24,460,560</b>	<b>\$17,875,025</b>	<b>\$14,826,435</b>	<b>\$3,048,590</b>
<b>FISH AND WILDLIFE</b>		<b>FY 01</b>	<b>FY 01 ACTUAL</b>	<b>01 BUDGET LESS</b>

THROUGH MARCH 31, 2001	FY 01 BUDGET	BUDGET THRU MARCH	THRU MARCH	ACTUAL 01
<b>RESOURCES</b>				
Fish and Wildlife Trust Fund	\$23,756,669	\$17,360,643	\$17,188,390	\$172,253
Corps Condition 5 Funds	\$388,656	\$284,018	\$250,683	\$33,335
<b>TOTAL RESOURCES</b>	<b>\$24,145,325</b>	<b>\$17,644,661</b>	<b>\$17,439,073</b>	<b>\$205,588</b>
<b>EXPENDITURES</b>				
Personnel	\$16,125,680	\$11,784,151	\$11,216,861	\$567,290
Extra Help	\$1,086,067	\$793,664	\$571,963	\$221,701
Support	\$5,267,672	\$3,849,453	\$4,631,341	(\$781,888)
Contracts	\$615,516	\$449,800	\$286,228	\$163,572
Equipment	\$1,050,390	\$767,593	\$732,680	\$34,913
<b>TOTAL EXPENDITURES</b>	<b>\$24,145,325</b>	<b>\$17,644,661</b>	<b>\$17,439,073</b>	<b>\$205,588</b>
<b>FORESTRY THROUGH MARCH 31, 2001</b>	<b>FY 01 BUDGET</b>	<b>FY 01 BUDGET THRU MARCH</b>	<b>FY 01 ACTUAL THRU MARCH</b>	<b>01 BUDGET LESS ACTUAL 01</b>
<b>RESOURCES</b>				
General Fund	\$1,815,460	\$1,326,682	\$1,415,847	(\$89,165)
Federal	\$473,000	\$345,654	\$345,654	(\$0)
Forestry Enhancement Fund	\$304,957	\$222,853	\$203,046	\$19,807
Forestry Receipts	\$932,000	\$681,077	\$681,077	(\$0)
Other	\$93,500	\$68,327	\$42,939	\$25,388
<b>TOTAL RESOURCES</b>	<b>\$3,618,917</b>	<b>\$2,644,593</b>	<b>\$2,688,563</b>	<b>(\$43,970)</b>
<b>EXPENDITURES</b>				
Personnel	\$2,431,194	\$1,776,642	\$1,650,098	\$126,544
Extra Help	\$141,096	\$103,109	\$106,385	(\$3,276)
Support	\$936,509	\$684,372	\$886,016	(\$201,644)
Contracts	\$8,500	\$6,212	\$4,760	\$1,452
Equipment	\$101,618	\$74,259	\$41,304	\$32,955
<b>TOTAL EXPENDITURES</b>	<b>\$3,618,917</b>	<b>\$2,644,593</b>	<b>\$2,688,563</b>	<b>(\$43,970)</b>
<b>PARKS PRESERVES AND RECREATION THROUGH MARCH 31, 2001</b>	<b>FY 01 BUDGET</b>	<b>FY 01 BUDGET THRU MARCH</b>	<b>FY 01 ACTUAL THRU MARCH</b>	<b>01 BUDGET LESS ACTUAL 01</b>
<b>RESOURCES</b>				
General Fund	\$6,483,100	\$4,476,300	\$5,134,367	(\$658,067)
Park Officer Retirement	\$0	\$0	\$0	\$0
Federal	\$282,364	\$206,343	\$110,659	\$95,684
Park Receipts	\$3,741,311	\$2,734,035	\$2,734,035	(\$0)
Infrastructure	\$127,053	\$92,846	\$46,356	\$46,490
Other	\$173,422	\$126,731	\$96,266	\$30,465
<b>TOTAL RESOURCES</b>	<b>\$10,807,250</b>	<b>\$7,636,256</b>	<b>\$8,121,683</b>	<b>(\$485,427)</b>
<b>EXPENDITURES</b>				
Personnel	\$5,532,108	\$4,042,694	\$3,808,109	\$234,585
Extra Help	\$1,773,987	\$1,035,025	\$1,035,025	\$0
Support	\$2,959,869	\$2,162,981	\$2,797,145	(\$634,164)
Contracts	\$208,777	\$152,568	\$169,405	(\$16,837)

Equipment	\$332,509	\$242,987	\$311,999	(\$69,012)
<b>TOTAL EXPENDITURES</b>	<b>\$10,807,250</b>	<b>\$7,636,256</b>	<b>\$8,121,683</b>	<b>(\$485,427)</b>
<b>WASTE MANAGEMENT THROUGH MARCH 31, 2001</b>	<b>FY 01 BUDGET</b>	<b>FY 01 BUDGET THRU MARCH</b>	<b>FY 01 ACTUAL THRU MARCH</b>	<b>01 BUDGET LESS ACTUAL 01</b>
<b>RESOURCES</b>				
Groundwater Fund	\$2,593,295	\$1,895,100	\$1,324,874	\$570,226
Federal	\$1,401,759	\$1,024,362	\$889,860	\$134,502
Groundwater Professional Regis.	\$46,216	\$33,773	\$12,579	\$21,194
Hazardous Waste Remedial Fund	\$391,623	\$286,186	\$281,478	\$4,708
Waste Tire Permitting	\$2,000	\$1,462	\$457	\$1,005
LUST Insurance Fund	\$75,000	\$54,808	\$75,000	(\$20,192)
Land Recycling Fund	\$31,600	\$23,092	\$27,103	(\$4,011)
Waste Volume Reduction Fund	\$76,000	\$55,538	\$6,837	\$48,701
Waste Tire Program	\$59,674	\$43,608	\$42,346	\$1,262
<b>TOTAL RESOURCES</b>	<b>\$4,677,167</b>	<b>\$3,417,930</b>	<b>\$2,660,534</b>	<b>\$757,396</b>
<b>EXPENDITURES</b>				
Personnel	\$3,035,221	\$2,218,046	\$1,953,041	\$265,005
Extra Help	\$164,234	\$120,017	\$105,288	\$14,729
Support	\$789,256	\$576,764	\$391,643	\$185,121
Contracts	\$526,382	\$384,664	\$168,001	\$216,663
Equipment	\$162,074	\$118,439	\$42,561	\$75,878
<b>TOTAL EXPENDITURES</b>	<b>\$4,677,167</b>	<b>\$3,417,930</b>	<b>\$2,660,534</b>	<b>\$757,396</b>

Mark Slatterly said the Department is working with the Parks, Environmental Protection, and Forestry to try to correct the general fund deficit. Environmental Protection had spent more time on Livestock Regulation than had been budgeted, which is funded out of the general fund. Forestry is showing around a \$100,000 deficit that was caused by increased costs associated with nursery operations, however there are also higher nursery sales which are on schedule to be able to offset that deficit. Park's deficit is primarily caused by fuel and utility costs, costs associated with last years reorganization, and park officer retirements. In the past the Department had received a supplemental appropriation for the park officer retirements, which did not pass through legislation this session. The Department is talking to the Department of Management to try to get an appropriation transfer or funding from them to handle this cost. He said the camping fee increase would also help to offset a portion of the Parks deficit.

<b>INFORMATIONAL ONLY</b>
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### MISSISSIPPI RIVER PARKWAY COMMISSION APPOINTMENT

Jeff Vonk, Director of the Department of Natural Resources presented the following item.

Iowa Code Chapter 308.1 creates the Mississippi River parkway planning commission and provides for membership. Both the Natural Resource Commission and the Environmental Protection Commission are required to appoint one of their members to the parkway planning commission. The commission meets three or four times a year at locations along the Iowa

portion of the river. Commissioners should appoint one of their members to fulfill the requirements of 308.1.

Jeff Vonk said the Mississippi River Parkway Commission looks at issues associated with the Mississippi River. He asked for one of the Commissioners to volunteer to serve as a member of that commission.

Lori Glanzman said she would serve on this Commission.

*Kathryn Murphy nominated Lori Glanzman to serve as a member of Mississippi River Parkway Commission. Seconded by Rita Venner. Motion carried unanimously.*

**LORI GLANZMAN WILL SERVE ON THE MISSISSIPPI RIVER  
PARKWAY COMMISSION.**

### **NEW CONTRACT WITH THE UNIVERSITY OF IOWA**

Bernie Hoyer, Geologist, Geological Survey Bureau presented the following item.

The Department requests Commission approval of a contract for University Hygienic Laboratory analytical services totaling \$39,509 for the time period of May 14, 2001 through September 28, 2001. The contract is titled: State Park Beach Bacterial Analyses, 2001.

The purpose of this contract, like a similar one last year, is to obtain data on bacteria present in the water of all beaches at state parks throughout the primary swimming season, May 21 through September 10. Fecal coliform, Enterococci, and Escherichia coli indicator bacteria will be evaluated weekly to assess the levels of bacteria present in water at our beaches. Extra samples may be taken at all beaches 24 hours after significant (>1 inch) rainfall events occur. Four beaches (Backbone, Beeds, Big Creek and Lewis and Clark) will be sampled daily for a 32-day period from June 12 through July 13 to assess the variability of bacteria levels. Special bacterial analyses will be processed for samples collected upstream from Backbone to assess potential sources of bacteria at the beach.

Funding for this contract is available from RIIF state funds as a part of the Iowa Water Quality Initiative.

Bernie Hoyer briefed the Commission on the details of the contract. He said the only difference from the contract from last year is the fact that all beaches will be required to submit a sample 24 hours after a greater than one inch rain.

Gary Priebe asked if we were having two organizations doing lake monitoring.

Bernie Hoyer said this contract is for the laboratory analysis of the samples that are collected by park personnel.

*Motion was made by James Braun to approve the contract as presented. Seconded by Rita Venner. Motion carried unanimously.*

<b>APPROVED AS PRESENTED</b>
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**AMEND CONTRACT 00-93HA-06 WITH IOWA STATE UNIVERSITY**

Bernie Hoyer, Geologist, Geological Survey Bureau presented the following item.

The Department requests Commission approval of a \$374,701 contract amendment (Amendment Number 1) with Dr. John Downing and the Iowa State Water Resources Research Institute to continue lake monitoring services for the time period of June 1, 2001 through June 30, 2002. The original contract was for \$474,539. The contract is titled: Iowa Lakes Survey, 2000 - 2004.

The purpose of this contract is to collect and analyze a wide variety of water quality parameters from 132 publicly owned lakes throughout Iowa. This data will be used to understand lake water quality, spatial and temporal variability, and to identify and understand water quality trends. This amendment will extend services for the second year of a proposed five-year study of lakes. The contractor successfully conducted the first year of the program.

Funding for this contract is available from RIIF state funds as a part of the Iowa Water Quality Initiative.

Bernie Hoyer said the contract for last year was about \$100,000 more mostly due to start up and equipment costs. He said this is the second of a five-year program.

Rita Venner asked if this amendment would be a yearly event.

Bernie Hoyer said the contract would be amended yearly until 2004.

Gary Priebe asked how often the lakes would be sampled.

Bernie Hoyer said each of the 132 lakes would be sampled three times.

<i>Motion was made by Kathryn Murphy to approve the contract amendment as presented. Seconded by James Braun. Motion carried unanimously.</i>
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<b>APPROVED AS PRESENTED</b>
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James Braun asked if the Commission would like to have Doctor Downing come to a meeting a give a presentation. He said he would be available in August.

**POLLUTION PREVENTION (P2) INTERN PROGRAM**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Summer 2001 Pollution Prevention (P2) Interns will be introduced to the Commission at the May 21, 2001, meeting.

**Program Overview**

The Waste Reduction Assistance Program (WRAP) will fund 14 internships in Iowa for a 12-week period during the summer of 2001. Interns will complete a five-day training session covering

pollution prevention benefits, resource efficiency, auditing, environmental management systems, and life cycle analysis prior to beginning their work commitment. Companies will designate a supervisor for the intern who is responsible for assisting the intern develop a work plan and ensuring management support of the project. A WRAP field engineer will be available to assist with technical support, giving the intern ideas and keeping the project focused on prevention. Once the project is completed and some implementation has occurred, WRAP will develop case studies that will be shared with other businesses in the state. An outreach strategy developed for each completed case study will maximize the exposure of Iowa businesses to the pollution prevention success story.

### **Program Objectives**

The objectives of the P2 Intern Program are to provide participating companies with specific, well-developed options for reducing waste and saving money; keep qualified Iowa college graduates in Iowa; and to offer students hands-on experience in reducing waste in an industrial setting using pollution prevention strategies. The P2 Intern Program will foster the establishment and maintenance of a culture where pollution prevention will enhance the economic vitality of Iowa businesses in an environmentally sound manner.

### **Selection Criteria**

Selection criteria for the students applying to the P2 Intern Program was based on the student's transcripts, résumé, cover letter, and application form. Selected candidates were determined by:

- Total credits earned
- Type of major
- Engineering
- Environmental
- Economics
- Credit earned in major
- Total Grade Point Average
- Grade Point Average in major
- Relevant work experience
- Project interest

On the application form students circled projects of interest to them including the following:

- Reduction of waste and efficiency of raw material usage
- Elimination or reduction of air emissions, water usage and wastewater effluent
- Development or implementation of EMS system such as ISO 14001
- Replacement of hazardous chemicals with less toxic alternatives
- Implementation of inventory control/tracking system to reduce product/raw material losses
- Modifying process monitoring to reduce defect or scrap rates
- Integrating a pollution prevention based EMS into an existing quality management system

Based on their interest in specific projects, the most qualified student was matched with a pollution prevention project proposed by an Iowa industry. Some of the business intern project proposals specified a preference for a student with a particular major, e.g., engineering, environmental studies, economics, etc. The students selected displayed the characteristics, knowledge, and background necessary for the business in which they were placed.

The interns, their majors, colleges, WRAP Field Engineer advisors, and businesses they will assist in identifying, evaluating and implementing pollution prevention projects are:

Student	College	Major	Hometown	FE Advisors	Companies/City
Tracy Wollin	UNI	Environmental Biology	Waterloo	Dick Brunn	Alcoa, Inc. - Bettendorf
Mandy Sapp	UofI	Civil Engineering	Iowa City	Shelley Peterson	Armour Swift-Ekrich - Britt/Mason City
Jennifer Reutzel	Central	Economics/Env. Studies	Winterset	Ken White	Cargill - Eddyville
Andrew Slotterback	ISU	Civil Engineering	Des Moines	Shelley Peterson	Cargill - Cedar Rapids
Matthew Cole	UNI	Economics	Des Moines	Shelley Peterson	Dayco Products - Eldora
Laurel Kozimore	Briar Cliff	Chemistry/Math	Omaha, NE	Frank Rosenkranz	DuPont - Fort Madison
Dana Hansen	ISU	Chemical Engineering	Des Moines	Ken White	Equistar Chemicals, LP, Clinton
Alexander Knight	UNI	Quantitative Economics	Cedar Rapids	Charlie McArthur	Henderson Manufacturing Inc., Manchester
John Dostart	ISU	Civil Engineering	Creston	Ken White	Mahle-Parr Filter System - Des Moines
Peter Uitenbroek	St. Ambrose	Biology	Eldridge	Ken White	PMX Industries - Cedar Rapids
Thomas Hansen	UNI	Manufacturing Technology	Evansdale	Frank Rosenkranz	Polaris Industries - Spirit Lake
Sarah Haidri	UofI	Civil Engineering/Env.	Iowa City	Chuck Geguzis.	Rockwell Collins - Cedar Rapids
Amy Lyn Paulus	UNI	Biology	Elma	Lucas Smith	Roquette America Inc., Keokuk
Micah Schreur	Dordt College	Mechanical Engineering	Princeton, MN	Lucas Smith	Winnebago Industries, Inc., Forest City

The EPC approved funding this effort at the February, 2001 meeting. In doing so, we are providing a forum where government, academia, and business can work together to improve environmental stewardship through the pollution prevention (P2) intern program.

Liz Christiansen briefed the commission on the pollution prevention intern program. The interns introduced themselves. In addition to the interns Jan Loyson, the P2 coordinator, Waste Management Division, Shelly Peterson, Field Engineer with the WRAP program, Ken White, Field Engineer with the WRAP Program, and Scott VanderHart, Pollution Prevention Manager with Waste Management Division introduced themselves. Liz Christiansen said she would like to give a special thanks to Jan and to Scott for their efforts in coordinating this program.

<b>INFORMATION ONLY</b>
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## **PUBLIC PARTICIPATION**

Chairperson Terry Townsend called for public participation at 10:30.

Four members of the public asked to address the commission when item 10 was being heard at 11:00.

## **NOTICE OF INTENDED ACTION - CHAPTER 567-IAC 102 "PERMITS"**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission will be asked to approve a Notice of Intended Action to begin the formal rule making process on the attached proposed subrule for providing guidance on the preparation of

Emergency Response and Remedial Action Plans (ERRAP). The Iowa Code requires an ERRAP be completed for all sanitary disposal projects.

Because a citizens law suite has been threatened if the provision of the Code requiring the ERRAP is not implemented, the usual procedure of putting a proposed rule revision on the Commission agenda for information as the first step in the rule making process is being bypassed.

The proposed subrule was prepared with assistance from the technical committee of the Iowa Society of Solid Waste Operations (ISOSWO).

(A copy of the notice of intended action is available in the Department's record center.)

Liz Christiansen welcomed the two new commissioners. She then briefed the Commission on the proposed notice of intended action.

*Motion was made by James Braun to approve the notice of intended action as presented. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **ADOPTED AND FILED EMERGENCY - NEW RULES 567--100.4 AND 567 - 100.5, GENERAL CONDITIONS OF SOLID WASTE DISPOSAL**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The proposed rule 567--100.4 was formerly rule 567-101.3. The proposed rule 567—100.5 was formerly rule 567-101.7. The adoption of these rules is made necessary by the adoption of new Chapter 567-101, filed on April 12, 2001, because new Chapter 567-101 does not contain former rules 101.3 and 101.7. The department did not intend to rescind said rules. The Department's intent has been to include former rules 101.3 and 101.7 in a different rule chapter. Because the timing of the revision of Chapter 567-101 did not correspond to the timing of the revision of an alternate chapter in which to place the subject rules, this emergency action is necessary.

It has been considered whether changes to these rules for dead animals disposal are necessary or appropriate in order to prepare for any potential outbreak of foot and mouth disease in Iowa livestock. Variances to subrule 567—100.4(1)"b" are currently authorized by section 455B.303 of the Code of Iowa and rule 567—101.2 of the Iowa Administrative Code. The use of this variance power will allow the State of Iowa to provide for a rapid response to any livestock disease epidemic while tailoring that response to the scope of the problem. A Foot and Mouth Disease Response and Recovery Plan is currently being developed under the direction of the Governor's Office. This Plan will provide the mechanisms for enacting necessary variances.

The department recommends that the Commission adopt the rules and make them effective upon filing with the administrative rules coordinator rather than the normal 35 days from the date of filing. The Department would expect to file the rules no later than Friday, May 25, 2001. Iowa

Code section 17A.5(2)“b”(2) authorizes the agency to make rules effective upon filing based on a determination that the “...rule confers a benefit or removes a restriction on the public or some segment thereof...”. In this case the benefit conferred is that the rule allows the burial of certain farm wastes and dead farm animals that would otherwise need to be disposed of at a permitted facility.

(A copy of the rule is available in the Department’s record center.)

Liz Christiansen said prior to the review and update of the Comprehensive Plan rules; these rules were included in Chapter 101. However the new Chapter 101 does not include them, therefore they need to be placed back in the rules until they can be reviewed. She said these rules do not address animal disposal as a result of Foot and Mouth Disease in Iowa. There is a State planning team that is addressing this issue and the Department plans to review these rules for applicability once the report from this planning team is released.

*Motion was made by Rita Venner to approve the emergency rulemaking as presented. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **CARPET AND CARPET PAD RECYCLING – CONTRACT APPROVAL**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department is requesting approval to enter into a contract with SSC Corporation (a.k.a. Flooring Gallery), subject to satisfactory negotiation of budget, match and deliverables. SSC Corporation will use funds to purchase balers for the collection and recycling of used carpet, carpet scraps, carpet padding, and corrugated cardboard from each of their thirteen (13) Iowa retail flooring stores.

SSC Corporation will install vertical balers at their stores in Sioux City, Mason City, Waterloo, Marshalltown, Ames, and Newton, and add an additional baler at their Des Moines warehouse, serving seven metro area retail stores. Materials to be recycled will be baled and temporarily stored until backhauled to the warehouse in Des Moines. Once at the warehouse, materials will be grouped and stored awaiting shipment to final processors.

- The cardboard will be marketed through local brokers like Weyerhaeuser and City Carton.
- The carpet pad will be shipped to Carpenter Company in Elkhart, Indiana and made into new carpet padding.
- The used carpet will be shipped to a DuPont facility located in Calhoun, Georgia under an existing franchise agreement. DuPont is the only company that guarantees 100% of the used carpet they receive will be recycled into new products (carpet, soundproofing materials, auto parts, etc.).

Although variable, carpet weighs on the average five pounds per square yard. The Contractor expects to recycle the following quantities during their first year of operation:

- Cardboard 50,000 pounds
- Carpeting 750,000 pounds
- Carpet padding 115,000 pounds

The project service area includes residential customers throughout Iowa and commercial customers throughout the Midwest. The Contractor has existing contracts with such major accounts as Office Max, Best Buy, and Border's Bookstores, and they seek to increase their current percentage of commercial business. Their initial target goal is to remove and recycle 25% of the total volume of carpet they sell.

**Project Objectives**

1. Install a vertical baler for each of their six retail stores located outside of Des Moines;
2. Install a second baler at their Des Moines warehouse facility;
3. Recycle used carpet and carpet padding;
4. Recycle and locally market corrugated cardboard;
5. Inform and educate subcontracted carpet-layers that there will be no charge for accepting their carpet-related waste at any of the Contractor's stores; and
6. Inform independent carpet-layers that used carpet and used carpet pad will be accepted at any of the Contractor's stores for a fee to cover transportation and processing cost assessed by DuPont, based upon volume;

**Cost**

The contract will not exceed \$60,419 for the purchase and installation of seven balers across the state. Balers will be for processing used carpet, used carpet pad, and cardboard into marketable bales and for efficient storage and transportation. The Contractor is matching this award with \$185,778 in cash, labor, transportation, and marketing costs.

**Background**

The DNR is currently involved with a multi-state and industry working-group for carpet recycling. This workgroup, started in 1999, includes the states of Iowa, Minnesota, and Wisconsin, the U.S. EPA, the Recycle Iowa Office, as well as carpet and carpet fiber manufacturers, retailers, and recyclers. The carpet industry has already agreed to voluntarily increase collection, processing, and recycling of carpet-related materials, and eventually eliminate the landfilling and incineration of carpet.

All groups involved are working together to reach a three part voluntary agreement. First, a third-party organization funded by carpet manufacturers would be responsible for coordinating the carpet recycling infrastructure as well as meeting recycling goals established by the workgroup. The initial steps toward this have already been taken. Second, goals and dates for the recycling of carpet and the end of carpet landfilling and incineration would be negotiated. Third, model procurement guidelines for use by government agencies in purchasing carpet products would be established.

This project would be the first step of implementing the goals of the multi-state and industry workgroup at the local level.

The United States EPA estimates that used carpet composes approximately 1.1% of the municipal solid waste generated in the United States. Using this waste generation figure for Iowa, the State generates nearly 39,000 tons of used carpet annually.

Liz Christiansen briefed the Commission on the proposed contract. She said her division strongly supports this project and hope it will serve as a model for other large institutions in Iowa.

Rita Venner asked where the money would come from.

Liz Christiansen said it would come from the Solid Waste Alternatives Program.

Gary Priebe asked why this project was not considered along with the other projects in the grants program.

Liz Christiansen said there are projects that come in at different times, and if her staff feels the project has merit they will bring it before the Commission. She said although the Department has in the past held regular funding rounds, due to the sweep of the Ground Water Funds they will not be able to hold another round until in the Fall.

Lengthy discussion followed regarding the cost of recycling carpet.

*Motion was made by James Braun to approve the contract as presented. Seconded by Kelly Tobin.*

Gary Priebe said although he believed this was a good idea, he can remember during the grants program where people submitted late and were rejected.

Cindy Turkle said SSC wants to put this on the fast track because of the eminent need. SSC has been working on this for six to nine months and because of the sweep of funds there was not a funding round in April nor would there be one in July.

Gary Priebe asked if we were going to continue to grant proposals one at a time instead of holding the funding rounds.

Liz Christiansen said she would prefer not to but this was an unusual situation due to the sweep of Ground Water Funds.

*Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **ADOPTED AND FILED – CHAPTER 567—111, FINANCIAL ASSURANCE REQUIREMENTS FOR MUNICIPAL SOLID WASTE LANDFILLS**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Commission is requested to approve the proposed new Chapter 567-111, Financial Assurance Requirements for Municipal Solid Waste Landfills by rescission and adoption of the revised chapter. The proposed amendment revises the financial assurance rules to more closely resemble current federal requirements. The proposed amendment also adopts procedures for

review of financial assurance instruments by the Department. The proposed amendment is intended to satisfy the concerns raised in the Petition for Rulemaking filed by the City of Henderson on May 31, 2000. The proposed amendment is also intended to satisfy the Governor's Executive Order requiring an agency-wide review of each administrative rules chapter. The Department intends this rule to become effective July 18, 2001.

The Department has received significant public input in regard to the revisions of Chapter 111. The proposed chapter was revised to address the majority of the concerns expressed. Additionally, input was sought from the Office of the Auditor of the State and the proposed revisions of the Auditor are incorporated into the chapter. The public comments received and responses are summarized in the Responsiveness Summary.

(A copy of the rule and the responsiveness summary are available in the Department's record center.)

Liz Christiansen briefed the Commission on the history of the rule making. She said this is a rule that affects every landfill in the state and there are several people present who would like to address this issue. She said Jon Tack, Attorney for the Department of Natural Resources, would give the Commission some additional background.

Jon Tack said financial assurance for municipal waste landfills is a mechanism for assuring the money is available for closure or post closure if the land fill suddenly closes. This not the same thing as a closure/post closure account which landfills are also required to have, by which they slowly build up the money for closure/post closure. The system in place at this time is based on the Federal system that was adopted and was originally published in 1991. The way it is set up it is supposed to be self-regulated. In May of 2000 the Department received a petition from the City of Henderson asking them to adopt rules regarding the review of surety bonds. They also had raised concerns about financial assurance mechanisms in general. This went before the Commission who felt the review of the rules should be done as soon as possible. At that time, Jon Tack said, he met with a consultant for Mills and Fremont Counties and they developed a proposed rule that was presented to the Commission in November as a Notice of Intended Action. Those proposed rules were extremely strict. During the public hearing in January the Department received a lot of public input with the vast majority of the people disagreeing with the rule requiring that the money for closure/post closure be put in an account and kept there for, in some cases, up to eighty years. In reviewing the rule, the Department looked to the Federal rules to see how they have been revised since 1991 and tried to match them as closely as possible. In April the revised proposed rule was sent out to everyone who had commented and everyone who held a municipal land fill permit. Most of the comments that the Department got back were in regard to accounting procedures. Those requirements would have placed a large burden on the regulated public. Jon Tack then took the rules to the office of the State Auditor who spent a lot of time reviewing the rule and offered suggestions and corrections that the Department adopted.

Jim Brick said he was appearing before the Commission on behalf of the Metro Waste Authority who will be affected financially by the rules he is asking the Commission to adopt. Mr. Brick said a landfill becomes a huge liability once it is filled up. The Federal Rules currently state that

when a landfill is closed someone must be responsible for it for an additional thirty years. He said the generator of waste should be responsible for the cost of closure. If a county landfill closes that has not put aside the money from the tipping fees for closure/post closure the money will be taken from the tax base. Taxation is based on property and therefore the burden is placed on the property owners. He said the Federal rules are irrelevant because the law that the Commission is responsible for promulgating rules for is 455B and the final rule that the Department has presented violates that code. He distributed a copy of Chapter 455B of the Iowa Code. He said the proposed final rule is weaker because of two reasons. First is if a corporation's net worth is high enough they do not need other financial assurance and a corporation is allowed to make one pledge for multiple landfills. Second Iowa law requires two funding mechanisms not just one as these rules allow. He said the law states that a land fill must provide some type of financial assurance instrument prior to opening and then must put away money from day one toward closure/post closure. He distributed a summary of comments that show how the proposed rules violate the law in the Iowa Code.

Hal Morton, Executive Director of the Des Moines County Regional Solid Waste Commission, said he agrees that the Department could strengthen its enforcement of existing or new regulations in Chapter 111. In Iowa the preponderance of the landfills are publicly owned which provide something of a built in security system. When a private landfill manages to skate on financial assurance requirements, ultimately the responsibility falls back to local government. He said at the public hearing in January there were two or three main categories of criticism that came in about the original version published in the notice of intended action. One was that the proposed requirements were stronger or more rigorous than the requirements for hazardous waste landfills under subtitle C. Another area of concern had to do with the audit language and terminology that was used as far as how the landfills would document what has been used as cost estimates, how they have met those through different financial instruments, how they have been updated and so forth. Through working with the State Auditors office the Department has been able to clarify the language dealing with the audit. The biggest concern about requiring full funding of closure/post closure that may not happen for 75 or 80 years is that it delays or impedes the ability of the landfill operators to invest in new environmental technologies. In addition, the sweeping of funds from the Ground Water Protection Fund into the General Fund that happened this spring is not an unusual response from elected officials when they see a large cache of money that is not being used for something. He said he could support the rules as they have been presented and he knows of several other landfills that agree with him.

James Braun asked what amount of money his landfill had set aside for closure/post closure.

Hal Morton said he would provide the exact amount to Commissioner Braun later in the day but he is certain that they are ahead of the minimum requirements.

Scott Smith, Landfill Administrator and Recycling Coordinator from Boone County Landfill, said they created Boone County Landfill in May of 1970. It was an initiative put forth by the citizens and governments of Boone County as a better alternative to three open city dumps that were located in Boone County at that time. It was founded with the intention of being an environmental protection facility, designed to protect the environment and the public's health, safety, and welfare. That has been their guiding principal for 31 years. He said the original

proposed rule that came before the Commission would have adversely affected public facilities. He said the rules would have been so restrictive for the secondary mechanisms that a year earlier they would have not been able to comply because they had never issued a bond in Boone County. They had always put money in the bank. This fiscal year they will have over \$750,000 in their fund, which when fully funded will be at \$1,060,000. He said they are well ahead of schedule and should be fully funded in two years. Cities and Counties are already a potentially responsible party for any contaminated property located in their jurisdiction. The issue of whether the residents and taxpayers should pay now or pay later is a constant battle in every issue local and state government makes. His concern is that more restrictions not only forces out the bad players but the good players as well and as more and more facilities become privatized we will lose more control than what these rules in their original intent would have provided. He said he can support enforcement of the current rules or the proposed rules before the Commission but he does have some concerns relative to private landfills. He said government has always operated under a different set of rules than a private corporation so he sees no problem in having a separate set of rules regarding the funding of private landfills.

Joe Robertson, representing the Solid Waste Management Commission in Marshall County said they are a public agency that serves a population of 39,000 people. They started a dedicated trust fund two years prior to the rule requiring it. That account is currently over halfway funded and will be fully funded approximately 75 years before their facility is required to close. His main concern with the original proposed rule was the fact that they would have to have two financial instruments in place at the same time to accomplish the same thing. He said he could support the financial assurance rules as they are presented as long as the Commission is certain that they meet the requirements of the Code. He said he would like to emphasize that he feels the success of the rule will be in its uniform enforcement.

Cindy Turkle, with Turkle Clark Environmental Consulting said not all landfills are public, she said she recognizes that the public landfills are doing their part by setting aside money for closure and post closure care. The proposed rules that were initially put together it called for money being set aside in two mechanisms, a secure trust or a dedicated fund, the problem is those who have not been doing that would have to resort to a secondary mechanism until the money is put aside. The private landfills are the cause for the most concern because their books have not been reviewed by any public official. She said the concern for a large amount of money having to be set aside is not founded because a site closes a portion at a time therefore it is not necessary to have closure cost set aside for the entire site, however the closure cost do need to be reviewed every year and may increase as the customer base increases. She said the dedicated accounts do not unnecessarily tie up public funds, it ties up the generator's funds.

Gary Priebe asked where the money for the dedicated accounts would come from.

Cindy Turkle said the majority of the landfills use money from the tipping fees.

James Braun asked what Ms. Turkle's opinion of the current proposed rule.

Cindy Turkle said it does not meet state law.

Don Brantz from Mills County said if a comprehensive plan is not sufficient the cost of closure and post closure reverts back to the property tax payers not the private insurance. Because of federal law, the waste is now coming in from other states and from commercial and industrial, which puts the liability at a much higher rate. He said the rules should acknowledge that there is a difference between a public and private landfill.

Jon Tack attorney for the Department said the Department feels strongly that there is a need for enforcement and the proposed rules meet the enforcement issues. He said if action is not taken on this chapter within 180 days of January 16<sup>th</sup> this notice will expire and the current rules will remain in place. If this happens the Department will not be able to provide any more enforcement than has been done in the past. He agreed that the people who are generating the waste now need to pay for disposal and the code does require the closure/post closure accounts. The code also says that rules need to be adopted setting what amount it should be and those rules have not been adopted since 1988. The department is planning to review those rules in the future however the step they plan to take now is a review of the Auditors reports which list the balance in those accounts. He believes there is some confusion between closure/post closure accounts and financial assurance mechanisms. The previous speakers talked about landfills putting small amounts of money into accounts that will be available at the time of closing, that is not financial assurance and does nothing to protect if something goes wrong and that landfill needs to close early. He said in response to Jim Brick's contention that the proposed rule does not comply with the Iowa Code requirements he does not see any violation. He said a corporate guarantee is listed in the Iowa Code as an acceptable financial assurance mechanism. The rules state that insurance and surety bonds can only be cancelled for failure to pay a premium. In the case of a surety bond, the surety bond people have to give the Department 120 days notice. If in the first 60 days an alternative financial assurance mechanism is not in place, under the terms of the bond it automatically means forfeiture so the bond is then paid out because of the cancellation and the landfill is closed. With insurance there is a 120-day period from the time the Department is notified and the policy is cancelled. Within the 120 days the Department would have to order closure and would order it in such a way that it would be a coverable event under the insurance policy. He said there is not perfect system, however with closure/post closure accounts in place the Department feels there is a sufficient safety net provided by these rules as proposed. He said the original petition from Henderson asked for the adoption of one sentence, which was, "The department shall establish a procedure to periodically review the adequacy of the surety bond." There is no question that this proposed rule does that. Public landfills would be required to submit the State Auditor's report that shows the closure/post closure accounts and the mechanism and amount as well as the closure cost estimate. He said private landfills would be required to submit an affidavit that says they had an identified CPA do an annual review on a certain date and that the review found that they are in compliance with the chapter. They will also be required to submit proof that they qualify for the financial assurance mechanism of their choosing.

James Braun said Hal Morton had supplied him with the amount that is in their fund, which is \$536,323. He then asked Mr. Brick to brief them on a pending law suit against the Department.

Jim Brick said the court found in the case of Mills County versus DNR that DNR had failed to implement rules as required by Iowa Code 455B and in addition had failed to follow the rules

that they had implemented. Subsequent to that decision, the court found that the permit issued to Iowa Waste Systems was void. The Department then issued a temporary permit and so far Iowa Waste Systems has not complied with any of the specific requirements for the temporary permit. The pending lawsuit says that the Department has ignored the previous courts findings and has, in violation of the law and their own rules, allowed Iowa Waste Systems to continue.

James Braun said there seems to be a difference between what is going on with public and private landfills. He asked Mr. Brick what he thought needed to be done.

Jim Brick said the first thing that has to be done with these rules is there has to be a two part system, because the financial assurance required by the code says the funds will be available tomorrow in case of emergency, that would be a non cancelable insurance, surety bond or other approved mechanism and there needs to be a trust fund established where money is put away so that when the land fill actually closes the funds are available. The second thing that needs to be done is that the rules need to ensure that the financial assurance mechanism is callable, and non-cancelable.

Director Jeff Vonk said Mr. Brick did not make any distinction between private and public landfills.

Jim Brick said he does not see a big difference between public and private because under the rules he's proposing the generators waste going into a landfill will pay for the closure.

Gary Priebe said he would like to know what the various landfills have put away for assurance money.

*Motion was made by Gary Priebe to table this issue until the June meeting. Seconded by Kelly Tobin.*

Terry Townsend asked Jon Tack to provide the Commission with information on how the proposed rule did meet 455B.

James Braun said he would like to have information on the two part system, the non-cancelable insurance and trust fund, the financial instrument that says the money is going to come from where it says it is going to come from. He said he also thought that the Commission needed to communicate with the City of Henderson to make sure that the proposed rules will meet their concerns.

*Motion carried unanimously.*

**TABLED UNTIL JUNE MEETING**

## **TOXIC CLEANUP DAY CONTRACTOR**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

The Department of Natural Resources is requesting approval to amend the contract with Metro Waste Authority's Regional Collection Center to provide hazardous waste collection and disposal services for the Department sponsored Toxic Cleanup Day to be held in Wayne County. The contract amendment amount is not to exceed \$12,000.00 for this Fall 2001 event. The Division has negotiated an agreement for local cost share with Wayne County based on the number of households in the county and the number of previous events it has hosted. Wayne County will pay the first \$2,900 of disposal costs and the Department will pay the remainder.

**Background**

Toxic Cleanup Days are one day events to provide households and farms a safe and environmentally responsible way to dispose of household hazardous materials. It also provides an opportunity to educate the public about using safer alternatives, buying only what is needed, and safe use, storage, and disposal of household hazardous materials.

**Events Selected for Fall 2001****Wayne County Board of Supervisors**

Wayne county Fairgrounds

Corydon Iowa

Tentative date September 15th

Local share: \$2,900

Department share: Not to exceed \$12,000

At this time, the Department is requesting Commission approval to amend the contract with Metro Waste Authority to provide Toxic Cleanup Day collection and disposal services.

Brian Tormey, Bureau Chief of Waste Management Assistance presented this item in Liz Christiansen's absence. He briefed the commission on the contract amendment.

Lori Glanzman asked if the Department sponsored a toxic cleanup in all ninety-nine counties.

Brian Tormey said the Department typically has five or six events in the spring and fall. In addition to those the Department has set up regional collection centers that are open all year long.

Gary Priebe asked why an amendment was needed.

Brian Tormey said the contract with Metro Waste Authority for the spring events were brought to the Commission last fall. This amendment adds an additional a fall cleanup.

*Motion was made by James Braun to approve the contract amendment as presented. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**CONTRACT AMENDMENT APPROVAL – TIRE-ENVIRONMENTAL SERVICES COMPLIANCE ASSISTANCE CONTRACT**

Liz Christiansen, Division Administrator, Waste Management Assistance Division, presented the following item.

**Project Description**

The Commission is requested to approve an amendment to an existing contract with Tire Environmental Services, Inc. of Muscatine for the completion of the removal, processing, and recycling of 380,000 waste tires remaining at the former Tire-Tech tire recycling site in Muscatine. The value of the contract amendment will be \$254,000.

The Commission approved an original compliance assistance contract with Tire Environmental Services in November of 1999, at a value of \$268,000. That contract provided the firm with funds needed to bring the site into compliance. A former and separate operation, Tire-Tech, Inc., had closed its business at the site in 1998 with an estimated 400,000 tires stockpiled. Through civil court actions, only \$15,000 was recovered from Tire-Tech as the firm had no attachable assets and was bankrupt.

Upon assuming Tire Tech's mortgage liability, Tire-Environmental has reinvested in the nine-acre site. Over the past year, the firm has purchased additional equipment to enhance its tire processing capabilities, which has resulted in a significant reduction to the tire stockpile. To date, Tire-Environmental has processed over 400,000 tires from the site. The tires are being processed into 4"-6" shreds for use in the construction of landfill leachate collection systems at the Black Hawk County Sanitary Landfill and the Scott Area Sanitary Landfill.

While cleanup progress has met expectations, the original waste tire estimate provided to the district court was inaccurate. Approximately 380,000 waste tires not included in the original estimate have been found in inaccessible areas of the plant and over an adjoining two-acre field. The amendment will provide Tire Environmental with the needed funds to complete the entire cleanup of the site.

**Contract Value Summary**

	Value:	Number of Tires:
Original Contract:	\$268,000	400,000
Amendment:	\$254,000	380,000
Total Value:	\$522,000	780,000

**Conditions of Proposed Contract Amendment**

The contract amendment provides the following terms and conditions to Tire-Environmental Services:

- Firm receives \$67.00 per ton to process the estimated 380,000 tires remaining at the site. (This price is at cost-only and is at the same rate as the original contract)
- All tires must be removed and processed by June 15, 2001.

- All tires processed will be sent to markets and beneficial uses, as approved by the Department
- Firm will submit scale tickets to verify weights of tires, and no other tires, other than those currently on site, are covered by the contract

This contract will allow the Department to mitigate an ongoing non-compliance issue of substantial risk to the environment and public health in the City of Muscatine. The contract amendment provides the Department with a solution that is timely, cost effective, and will help ensure that a viable waste tire processor remains in eastern Iowa.

Mel Pins, Program Coordinator for the Waste Tire Abatement Program, presented this item in Liz Christiansen's absence. He said he would like to update the Commission on the Tire Chop Stockpile facility in Fort Dodge. Cleanup efforts did begin on May 1, and will continue; however the site owner, Don Grell, passed away on May 12, after a long battle with cancer. He then briefed the Commission on the compliance assistance contract amendment.

Gary Priebe asked why there was a difference in price per ton between this job and other tire abatement projects.

Mel Pins said this job is at cost because it is a compliance assistance contract, in addition the price is lower because there are no trucking cost involved.

Rita Venner asked if there was any payback to the Department for this job.

Mel Pins said because Tire-Environmental is not the responsible party at the facility the Department is not looking for any reimbursement. The owner has probably lost money on this job and has approximately a million dollars of their own money in upgrades to the facility.

*Motion was made by Rita Venner to approve the contract amendment as presented. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **CONTESTED CASE APPEAL –BEE RITE TIRE DISPOSAL, INC.; JERRY YEOMENS**

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On February 3, 2000, the department issued Administrative Order No. 2000-SW-03 to the above parties. That action required certain action relating to the operation of a permitted waste tire processing operation and assessed a \$10,000 penalty. That action was appealed by the parties, and the City of Rhodes intervened. The matter proceeded to administrative hearing on January 23, 2001. The Administrative Law Judge issued the Proposed Decision on February 12, 2001. The decision affirms the Order.

Bee Rite has appealed this decision to the Commission. The Proposed Decision and pertinent documents have been distributed to the Commissioners. The entire record, including the hearing tapes and exhibits are available for your review. The parties will be available to argue their

respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mike Murphy said this is an appeal of a proposed decision of the administrative law judge in February on an action against Bee Rite Tire that included an administrative order and penalty. Bee Rite has appealed this decision and the City of Rhodes, Iowa has intervened. The attorneys for Bee Rite, the Department, and the City of Rhodes will present their respective arguments.

Kent Geffe, attorney for Bee Rite Tire Disposal, Inc. said the present owners purchased the company in 1993 and originally operated as a mobile tire shredding operation. In 1994 they purchase property in Rhodes, Iowa where they became a permanent facility and were issued a permit to operate a waste tire processing and storage facility on March 21, 1995. Since that time there have been several amendments to the permit, one issued on December 22, 1998 reflected Bee Rite's purchase of a tire baler which had been purchased in late summer of 1998. That permit did not indicate a number of tire bales that Bee Rite would be allowed to store. Mr. Jerry Yeoman's, Chief Executive Officer of Bee Rite Tires testified that he had spoke to Paul Lundy from the Department who assured him that the permit would be issued and they would allowed to have six months processing of tires on hand for storage. After this conversation the application was resubmitted and an amendment was issued on October 26, 1999, which limited the number of bales Bee Rite was allowed to have on hand to 640 bales. As of the date of the hearing Bee Rite had not yet finalized any contracts or sales of large amounts of bales, but there were two small sales, one was a test shipment of a railroad car of bales of tires to Colorado, which would be for a large project and the other was for a rifle range on DNR controlled property. There were some other violations mentioned in the administrative order which were fairly minor and were immediately handled by Bee Rite when they were brought to their attention. He said Bee Rite has always been cooperative with the DNR and their agents. He said Iowa Administrative Code, Chapter 567, Section 117.2 (3) discusses the amount of tire products that can be held by a waste tire processors, and one of the phrases in there is "may not exceed six months processing capability unless stated differently in the permit." He said a plain and fair reading of that would be that six months is allowed but if you want more the DNR may issue a permit allowing you to have more. Bee Rite did produce and has on hand approximately 4,000 tire bales. He said the penalties imposed by the Department have not been supported by the evidence however if the Commission believed the penalties were appropriate he requested that they amend the administrative law judges order to allow Bee Rite more time to comply. At the time of the decision the ground was frozen and the bales were frozen to the ground therefore they had not been able to start work on removing them until late March and it would take Bee Rite six months to process the bales using other procedures.

Rita Venner asked if Bee Rite had made the tire bales prior to receiving he permit.

Kent Geffe said they made 30 to 50 bales before they bought the machine to test it and after he spoke to Mr. Lundy they began production of the bales.

Rita Venner asked if the company had a secured contract for more than the train car full of bales that they shipped to Colorado.

Kent Geffe said they did not.

Jon Tack, Attorney for the Department said the day that Bee Rite first applied for a permit to bale tires they had already made approximately 550 bales. The day they received permission from the Department to make their first bale they had 1,200 bales on site. When they finally received approval for the 640 bales, by their own estimates they had over 3,500 bales on site. In total 4,160 bales have been made, of those 253 have been used, 96 were shipped to Colorado where a man is stockpiling tires in the event that they build a power plant that may burn tires. Bee Rite has had a permit since 1995, which specified the products they could store and the type of equipment they could have. He said the alleged conversation between Mr. Yeoman and Paul Lundy was not sufficient grounds for Bee Rite to go forward with the making of bales. In addition a letter was sent to Mr. Yeoman in February of 1999 that expressed the Department's concerns regarding the bales and informing him that he needed to have markets identified prior to making them. The permit amendment that was issued for 640 bales was never appealed. The order that was issued included a \$10,000 fine and allowed them 60 days to bring the site into compliance whereas the fine would be reduced. The administrative law judge's decision allowed 120 days for compliance but upheld the remaining conditions of the order.

Mark Landa said he represented the City of Rhodes, who has intervened in this matter to ensure that enforcement of the Department's rules as they relate to the operation of Bee Rite's facility without delay. He said the violation of the Department's rules have been proven to exist at this facility, they have a direct adverse impact on the quality of life for the residents of the City of Rhodes and have the potential to threaten their health. For these reasons the City of Rhodes support the issuance and enforcement of the administrative order and the proposed decision of the administrative law judge. He said the citizens of Rhodes do not object to the recycling of waste tires however it is unfair to ask a community to bear the additional burdens that come with the improper and uncontrolled collecting, storing, and processing of these wastes. The evidence provided at the hearing shows that Bee Rite is violating the permit in numerous ways including the undertaking onsite construction projects without the knowledge of the Department. In one instance a project involving burial of 450 tire bales took place without the Department's knowledge. Authorization after the fact was sought and denied. He said testimony at the hearing shows that the project was completed prior to submitting the application. In another project it was admitted that thousands of shredded tires were used on site as permanent fill. These and other violations have existed for a number of years.

*Motion was made by Rita Venner to affirm the Administrative Law Judge's (ALJ) decision. Seconded by James Braun. Motion carried unanimously.*

**ALJ DECISION UPHELD**

**PROPOSED CONTESTED CASE DECISION – QUALITY MAT CO, INC**

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On June 2, 2000, the department issued Administrative Order No. 2000-AQ-37 to Quality Mat Co., Inc. That action required the company to comply with air quality regulations, permitting and record-keeping requirements and to pay a penalty of \$8,500. That action was appealed by the company, and the matter proceeded to administrative hearing on March 5 and 6, 2001. The Administrative Law Judge issued the Proposed Decision on April 2, 2001. The decision affirms the Order.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mike Murphy said Quality Mat is on the agenda because it is a recent ALJ decision, normally an ALJ decision would be brought to the Commission to allow them to review it on their own motion unless an appeal is received. Mr. Meehan did file an appeal, however it was filed late, and was denied by the Department. Mr. Meehan has asked to appear before the Commission to file a motion for an extension. The decision as to whether or not to grant that motion will need to be made.

Chairman Terry Townsend decided to hear Mr. Meehan's motion for an extension.

Jim Meehan said he was an engineer representing Quality Mat. He submitted his written Request for Extension of Time. He said he had been days late in filing the appeal because in his experience 30 days has always meant 30 working days. He asked the Commission to consider the delay as excusable neglect on the part of Quality Mat's agent. He said they are appealing the penalty because it was a voluntary disclosure and are asking for mitigation of the penalty if at all possible.

Mike Murphy said the rules, which Mr. Meehan had copies of, state very clearly that Saturdays, Sundays and all Legal Holidays count in the thirty days unless the last day falls on one, in this case the next business day after the deadline would be used. He submitted a memorandum prepared by the department's attorney in this case, Kelli Brabeck on the legal issues relating to untimely appeals and requests for extension of time.

Discussion followed regarding the negotiations with Quality Mat prior to the hearing.

*Motion was made by Kathryn Murphy to deny Quality Mat's request for an extension. Seconded by James Braun.*

Gary Priebe asked if the company knew they were required to have a permit to operate.

Jim Meehan said until the Clean Air Act came along sidewall exhaust fans did not require a permit. Quality Mat was not aware of the new regulations until they received something in the mail from the EPA, but by that time the deadline for permits had passed.

*Motion carried unanimously.*

<b>REQUEST FOR EXTENSION DENIED</b>
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Terry Townsend said the Commission now needed to decide whether to review the case on their own motion based on the finding of facts.

The Commission chose to take no action, which upholds the Administrative Law Judge's decision.

<b>ALJ DECISION UPHELD</b>
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Gary Priebe suggested that the next time the Commission has an agenda this large that they split it between two days.

### **AIR QUALITY - TITLE V FEE SFY 2002 BUDGET**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is asked to approve the attached Title V Operating Permit budget establishing the annual Title V fee at \$25.40 per ton of air pollution emitted from Title V Operating Permit subject sources. This represents a \$0.90 per ton increase in the fee. This budget reflects changes from the draft budget presented to the Commission in March in the following areas: Increase in actual tons of air emissions reported by facilities for CY 2000, an increase in travel out of state, communications, rent, utilities and reimbursement to other agencies to more accurately reflect what is being spent, a slight decrease in the University Hygienic Laboratory (UHL) contract, an increase in the National Older Worker Career Center (NOWCC) contract based on recent contract negotiations, and a reduction in estimated interest. See the attached document for more details on changes from the draft budget presented in March.

**Title V Budget Changes From SFY 2001.** Total Title V Fund expenditures will remain the same as the SFY 2001 budget level. Any changes to the budget are listed line-by-line in the attached spreadsheet in the "Notes" column.

**Balance Forward Funds.** The Bureau has been working each year since the program's inception to develop a budget that more accurately reflects the amount of funding required to implement the Title V program. By more carefully crafting the budget and tracking actual expenditures, the Bureau is seeking to achieve a budget that yields no more than an annual balance forward figure of 5%. In SFY 2001, the Bureau had an actual balance forward of \$1.24 million or 18%. This year, the Bureau is anticipating a 5.5% balance forward. By reducing the level of over-budgeting, the Bureau hopes that fees will be more reflective of the actual costs of running the program. However, as this balance forward declines the annual fee must be increased to account for that loss of revenue.

**Expenditures and Funding.** The Air Quality Budget is divided into three primary areas: "Air Quality Program," "Air Title V," and "PM2.5 Monitoring". Expenditures in the two primary program areas (Air Quality Program and Air Title V) are divided between multiple expenditure (cost center) accounts and a variety of funding sources as shown below:

Program Area	Expenditures (Cost Center)	Funding Source*
Air Quality Program includes:		
Air Quality central office base program:	7220	CAA 105 & GF
Air Quality field office base program:	7419	CAA 105 & GF
Air Title V includes:		
Title V Operating Permit Program	7230	TV Fees
Title V Field Program	7421	TV Fees
PM 2.5 Monitoring includes:		
PM 2.5 Monitoring network	7240	CAA 103

- \* CAA 105: Clean Air Act section 105 grant – state match required  
 CAA 103: Clean Air Act section 103 grant – no state match required  
 GF: Legislatively appropriated General Funds  
 TV Fees: Title V fees

### Detail Description of Changes from Draft Budget to Final Budget

Item	Expenditure Category	SFY 2001 Budget	March EPC Budget	May EPC Budget SFY 2002
	<b>Air Title V Program (7230)</b>			
42	Travel out of state	59,791	23,177	45,354
49	Communications	68,777	70,563	99,270
50	Rent	135,009	137,263	141,071
51	Utilities	6,875	6,875	10,580
52f	UHL Agreement	803,823	818,490	813,979
52h	NOWCC	84,360	116,875	131,661
55	Reimbursement to other agencies	25,217	12,163	19,865
	<b>Revenue</b>			
110b	Title V Fees	5,509,233	6,115,999	6,210,300
110c	Fund interest	220,000	250,000	230,000

Travel out of State: Out of state travel was increased to allow Air Quality Bureau staff to continue to receive the current level of training as the SFY 2001.

Communications: The draft budget was based on actual expenditures for the SFY 2000. However, the cost has increased and the May budget will account for increases in 2001 and 2002.

Rent: The May budget is based on the new Ingram Building lease amount.

Utilities: Utilities have not been increased since 1999. Due to the rising cost for electricity, we are increasing the budgeted amount of the air monitor utilities.

UHL Agreement: The March UHL contract was based on an estimated contract amount. The contract for UHL was recently negotiated and the result is an overall increase. However, the amount applied to the Title V budget decreased.

NOWCC: The NOWCC contract was recently negotiated and finalized. The new contract added one staff member to enter data onto the State Permitting and Air Reporting System.

Reimbursement to Other Agencies: This category has been increased to reflect what is currently being spent in the SFY 2001. This category includes costs for staff to attend the Personnel Development Seminars courses offered by the Iowa Department of Personnel.

(A copy of the Title V budget is available in the Department's Record Center.)

Mike Valde said the Title V program is required, by the Clean Air Act, to run on fees that are paid by the Title V permit holders and regulates large facilities. There are about 300 Title V sources in the state. The fees are based on the tons of pollutants emitted by each Title V facility. Each year these facilities are required to determine how many tons of pollutants they have emitted, and the Department puts together a budget. The budgeted amount is then divided by the number of tons emitted and get a dollar per ton figure that the facilities will be required to pay. The tonnage fee for this year will be \$25.40 per ton, which represents a 90-cent increase from last year.

*Motion was made by James Braun to approve the Title V Fees as presented. Seconded by Kelly Tobin. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **AGREEMENT WITH IOWA PRISON INDUSTRIES**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

### **Background:**

The Air Quality Bureau has had past agreements with IPI to provide scanning; data retrieval and related services for the Title V Operating permit applications.

The initial purpose of the agreement was to assist Air Quality in saving space and staff resources due to the large volume of Title V Operating permit applications we were expecting. An application can consist of anywhere from 50 to 8,000 pages of documentation. Most applications are over 1,000 pages.

### **Current Agreement:**

The Air Quality Bureau would like to contract services for scanning with IPI for July 1<sup>st</sup>, 2001 to June 30<sup>th</sup>, 2002.

The Air Quality Bureau has worked with IPI in the past and feels confident that they can perform this function to our satisfaction.

The cost for an agreement with IPI for scanning for July 1<sup>st</sup>, 2001 through June 30<sup>th</sup>, 2002 is a maximum billable of \$22,500.00 paid out of Title V fees.

The Commission is asked to approve the issuance of this contract with IPI for scanning.  
(A copy of the contract is available in the Department's Record Center)

Mike Valde briefed the Commission on the contract with Iowa Prison Industries.

*Motion was made by Kathryn Murphy to approve the contract as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **AGREEMENT RENEWAL WITH NOWCC**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

### **Background:**

National Older Worker Career Center (NOWCC) provides temporary staff services to their clients. In doing this, NOWCC handles advertisement for the types of staff that their clients are looking for; reviews candidates to see how well they fit with NOWCC and the client's needs; provides a list of possible candidates for interview; and finalizes the hire.

NOWCC provides benefits to its workers such as: fully paid health insurance; paid sick leave and vacation; and unemployment insurance.

For several years, EPA had an agreement with NOWCC for a single staff person for the Air Quality Bureau (AQB). The AQB was (and still is) very impressed with the performance of NOWCC. AQB created a direct contract with NOWCC for 3 additional staff in fiscal year 1999. In fiscal year 2000, AQB took over the cost of the EPA funded position and renewed the NOWCC contract for 4 staff at a total cost of \$130,000.00. In addition, the Compliance and Enforcement Bureau and Waste Management Assistance Division (WMAD) contracted for five additional staff.

In fiscal 2001, these separate contracts combined into a single agreement with NOWCC for services – covering AQB, Compliance and Enforcement Bureau and Waste Management Assistance Division (WMAD). The complete contract for all DNR covered 11 staff positions and cost a total of \$392,253.66.

AQB and Compliance and Enforcement Bureau has found NOWCC to be very reliable and rollover to be minimal to none compared to other temporary services. This is a benefit to all DNR because training new staff is expensive and time consuming.

**Agreement Renewal:**

Again this year, a combined renewal agreement has been created to cover all DNR's contract needs with NOWCC.

The Air Quality Bureau and Compliance and Enforcement Bureau would like to renew the agreement with NOWCC for July 1<sup>st</sup>, 2001 to June 30<sup>th</sup>, 2002. The specific position descriptions can be found in Attachment A of the agreement.

For Air Quality Bureau

The cost of the renewal contract with NOWCC for the duration of July 1<sup>st</sup>, 2001 through June 30<sup>th</sup>, 2002 for 5 staff positions for AQB is \$198,900.02. [cost centers 7220 and 7230]

For Compliance and Enforcement Bureau

The cost of the renewal contract with NOWCC for the duration of July 1<sup>st</sup>, 2001 through June 30<sup>th</sup>, 2002 for 5 staff positions for the Compliance and Enforcement Bureau is \$107,317.71. [cost centers 7422 and 7426]

The complete contract for all DNR covers 10 staff positions and costs a total of \$316,217.73.

The Commission is asked to approve the issuance of this renewal agreement with NOWCC for the DNR.

(A copy of the agreement is available in the Department's Record Center)

Mike Valde said the Department has a current contract with the National Older Workers Career Center (NOWCC) which involves both the Air Quality and the Compliance and Enforcement Bureaus.

*Motion was made by Rita Venner to approve the contract as presented. Seconded by James Braun. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**RECOMMENDATION TO ACCEPT A PETITION FOR RULEMAKING AND PROCEED WITH THE ISSUANCE OF A NOTICE OF INTENDED ACTION– AIR QUALITY RULES CHAPTERS 20 AND 22**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

On April 16, 2001, the Asphalt Paying Association of Iowa and Cessford Construction Company submitted a petition for rulemaking proposing to adopt general permits or permits-by-rule for hot mix asphalt facilities, concrete batch plants, and aggregate processing plants operating in Iowa.

A previous petition for rulemaking was submitted by the same parties on February 8, 2001. In March, the petitioner agreed to a 60-day extension for the department to respond to the petition.

In a letter the department dated April 16, 2001, the petitioner requested that the original petition be withdrawn. In the same letter, the petitioners submitted the revised language, which will be proposed in the attached Notice of Intended Action.

The petition pertains to the incorporation of three new permits-by-rule into Chapter 22. Eligible facilities may seek permit-by-rule coverage in lieu of obtaining an individual construction permit. Permits-by-rule are being proposed for hot mix asphalt facilities, concrete batch plants and aggregate processing plants.

Departmental staff recommends that the petition submitted on April 16, 2001, by the Asphalt Paving Association of Iowa be accepted and requests approval to proceed with the issuance of the attached Notice of Intended Action for the rulemaking language contained in the April 16 petition. Copies of the April 16 and February 8 petitions are also attached.

(A copy of the Notice of Intended Action is available in the Department's Record Center)

Mike Valde said the Department has worked together with representatives from the asphalt and the paving industry to develop general permits for their air emissions. The general permit allows the issuance of a permit without going through a complex evaluation permitting process for each one.

Discussion followed regarding the public hearing.

*Motion was made by Kathryn Murphy to approve the Notice of Intended Action as presented. Seconded by Lori Glanzman. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **FINAL RULE – CHAPTER 65 – MANURE MANAGEMENT PLAN DEADLINE EXTENSION**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The department has proposed a rule to extend the time limit for applying manure without an approved manure management plan until July 1, 2002. At that time, based on our current output and staffing level, we will complete this process. A hearing on this proposal was held on April 24, 2001. No comments, written or oral were received. It is recommended that the Commission approve this proposed rule.

(A copy of the rule is available in the Department's Record Center.)

Mike Valde briefed the Commission on the history of the manure management plan extension. He said because current rule will expire on July 8, which will occur prior to the normal 35 days after publication, the Department is asking the Commission to make this rule effective seven days earlier than normal. This extension runs through July 1, 2002 at which time the Department, under current staffing, plans to have all manure management plans reviewed.

Jeff Vonk said there is a proposed budget cut from the Legislature that will effect the Environmental Protection Division but the Department is unsure how deep the cuts will be and how it will impact the division.

Wayne Gieselman said currently the Department has a total of approximately 2200 manure management plans, 800 of which have been reviewed and approved with another 3 or 4 hundred having been reviewed and in the process of correcting deficiencies. At their current rate he does expect to be done by July of 2002.

*Motion was made by James Braun to approve the extension as presented. Seconded by Rita Venner. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### **NOTICE OF INTENDED ACTION – CHAPTER 65 - NEWLY SUBMITTED MANURE MANAGEMENT PLANS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

A notice of intended action is attached that would require any manure management plan submitted after the effective date of this rule (approximately August 20) to not apply manure until the plan has been approved by the DNR. These plans would not be subject to the automatic time extension until July 1, 2002, but would instead be covered by our 60 day to review and approve language that is listed in the law. The intent here is to not allow late filers of mmp's or owners of newly constructed facilities to take advantage of the ability provided in the current rules to apply manure without an approved plan.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Mike Valde said one of the members of the rules review committee did not think that the extension should apply to facilities that submit new manure management plans. This rule states that new manure management plans need to be approved within 60 days or the applicant will not be allowed to apply manure.

Lengthy discussion followed.

*Motion was made by James Braun to approve the notice of intended action. Seconded by Kathryn Murphy. Motion carried unanimously*

**APPROVED AS PRESENTED**

### **FINAL RULE - CHAPTER 60 – SCOPE OF TITLE-DEFINITIONS-FORMS-RULES OF PRACTICE, CHAPTER 64 – WASTEWATER CONSTRUCTION AND OPERATION PERMITS, ADOPTION OF A GENERAL PERMIT FOR MINING AND QUARRYING OPERATIONS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for a final rule authorizing a new general permit for mining and quarrying operations. This general permit will authorize wastewater discharges, excluding separate storm water discharges, from quarrying and sand and gravel extraction/processing facilities. A general permit will benefit potential permittees by reducing the amount of information required in a permit application, eliminating the public notice requirement, and reducing the time needed to obtain a permit. The department will benefit from issuance of a general permit because of the reduced staff time needed to process the permit application.

A public hearing was held on April 10, 2001. No written or verbal comments were received at the hearing. Written comments were received from the EPA and in response to those comments the following substantive changes were made to the general permit:

1. The average limit for total suspended solids (TSS) was changed from a 30 consecutive day average to a 30 day average for consistency with previous permits issued for these facilities and all other wastewater discharges.
2. The permit conditions were revised to insure continued coverage should the general permit not be renewed on a timely basis if there is an intent to renew the permit. General permits can only be issued for a 5-year period, at which time they must be renewed.
3. Part II.A.3. of the permit was deleted because it was duplicative of requirements found in Part I.C.3 of the permit.

Other minor wording changes were also made to the general permit, primarily for clarification purposes or to eliminate unneeded language.

(A copy of the final rule is available in the Department's Record Center.)

Mike Valde briefed the Commission on the proposed rule. He said they held the public hearing and received no written or verbal comments during the hearing. EPA had submitted comments and changes were made to accommodate them.

*Motion was made by Rita Venner to approve the final rule as presented. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **NOTICE OF INTENDED ACTION - CHAPTER 60 -- WASTEWATER TREATMENT AND DISPOSAL, "NON-EXPOSURE" EXEMPTION FOR STORMWATER PERMITS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will asked to approve a Notice of Intended Action initiating rulemaking to modify existing rules regulating storm water discharges. The proposed modification reflects one of the changes in Federal regulations adopted in December 1999 (commonly known as Phase 2

of the stormwater program). Other changes to the stormwater permit program will be promulgated at a later date to coincide with federal implementation dates.

The proposed amendment will allow facilities to qualify for exemptions from storm water permitting due to non-exposure to precipitation. The other major changes that will be needed, reducing the construction site permit threshold from five acres to one acre and the elimination of the less than 100,000 population exemption for municipal separate stormwater sewer systems (known as MS4s) would be considered more stringent than existing federal rules and could not be implemented before the effective date of Phase 2 rules due to state statute. Therefore, these changes will be addressed at a later date.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Terry Townsend said this item was identified on the agenda as an information item and needed to be changed to a decision item.

Mike Valde briefed the Commission on the notice of intended action.

*Motion was made by Rita Venner to approve the notice of intended action. Seconded by Kathryn Murphy. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **REFERRAL TO THE ATTORNEY GENERAL**

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Don and Tim Lindahl; Lindahl & Sons Salvage (Boone) – solid waste/air quality

Mike Murphy said the administrative order was issued, was not appealed and was basically ignored.

*Motion was made by James Braun to refer. Seconded by Rita Venner. Motion carried unanimously.*

**REFERRED**

## **CONTESTED CASE APPEAL – COUNTRY FRESH EGGS**

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On January 5, 2001, the department issued a Notice of Intent to Deny Permits, relating to applications for construction permit for a poultry confinement feeding operations, to Country Fresh Eggs, L.L.C. That action was appealed, and the matter proceeded to administrative hearing on March 26, 2001. The Administrative Law Judge issued the Proposed Decision on April 26, 2001. The decision affirmed the denial of permits.

Country Fresh Eggs has appealed this decision to the Commission. The Proposed Decision and pertinent documents have been distributed to the Commissioners. The entire record, including the transcript of the hearing and exhibits are available for your review. The parties will be available to argue their respective positions and respond to your questions. You may then affirm the Proposed Decision, or modify or reverse it, substituting your own findings of fact and conclusions of law based on your conclusions from your review of the record and legal argument.

Mike Murphy said the appeal has been dismissed so the Commission had the option of reviewing the decision on their own motion.

The Commission chose to take no action on the item thus upholding the Administrative Law Judge's decision.

<b>ALJ DECISION UPHELD</b>
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## MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

PROPOSAL	Notice to Comm.	Notice Published	ARC#	Rules Review Committee	Hearing	Comment Period	Final Summary to Comm.	Rules Adopted	Rules Published	ARC #	Rules Review Committee	Rules Effective
1. Ch. 13 – Waiver Rules	2/19/01	3/21/01	0573B	4/06/01	-----	4/10/01	*6/18/01	*6/18/01	*7/11/01		*8/07/01	*8/15/01
2. Ch 20, 22 – Air Quality Rules	5/21/01	*6/13/01		*7/10/01			*8/20/01	*8/20/01	*9/19/01		*10/02/01	*10/24/01
3. Ch. 20-34 – Notice to Solicit Comments on Potential Air Quality					6/7, 14, 21, 28/01 7/16, 19/01							

Regulation of Animal Feeding Operations	4/16/01	*5/16/01		*6/05/01		7/19/01	*8/20/01	*8/20/01	*9/19/01		*10/02/01	*10/24/01
4. Ch. 22 – Air Quality Rules – Compliance Assurance Monitoring	2/19/01	3/21/01	0572B	4/06/01	4/27/01	5/04/01	*6/18/01	*6/18/01	*7/11/01		*8/07/01	*8/15/01
5. Ch. 60 – Wastewater Treatment and Disposal	*6/18/01	*7/11/01		*8/07/01			*9/17/01	*9/17/01	*10/17/01		*11/06/01	*11/21/01
6. Ch. 60, 64 – Wastewater Construction and Operation Permits	2/19/01	3/21/01	0568B	4/06/01	4/10/01	4/10/01	5/21/01	*5/21/01	*6/13/01		*7/10/01	*7/18/01
7. Ch. 61 – WQ Standards	1-16-01	2/07/01	0470B	3/09/01	2/20,22, 26; 3/2/01	2/14/01	*6/18/01	*6/18/01	*7/11/01		*8/07/01	*8/15/01
11. Ch. 64, 65 – Operation Permit Required	*6/18/01	*7/11/01		*8/07/01			*9/17/01	*9/17/01	*10/17/01		*11/06/01	*11/21/01
8. Ch. 65 – Animal Feeding Operations	10/16/00	11/15/00	0278B	12/12/00	12/12-13 12/18-20	12/20/00	*6/18/01	*6/18/01	*7/11/01		*8/07/01	*8/15/01
9. Ch. 65 – Animal Feeding Operations/Manure Applicator Certification/Freeboard	2/19/01	3/21/01	0569B	4/06/01	4/24/01	4/24/01	*6/18/01	*6/18/01	*7/11/01		*8/07/01	*8/15/01
10. Ch. 65 – Manure Management Plan Extension	2/19/01	3/21/01	0570B	4/06/01	4/24/01	4/24/01	5/21/01	*5/21/01	*6/13/01		*7/10/01	*7/18/01
12. Ch. 65 – Newly Submitted Manure Management Plan	5/21/01	*6/13/01		*7/10/01			*8/20/01	*8/20/01	*9/19/01		*10/02/01	*10/24/01
13. Ch. 93 – On-Site Wastewater Treatment State Revolving Fund	6/19/00	9/20/00	0136B	10/09/00	10/11-13, 17-19/00	10/24/00	4/16/01	4/16/01	*5/16/01		*6/05/01	*6/20/01
14. Ch. 100 – General Conditions of Solid Waste Disposal							5/21/01	*5/21/01	*6/13/01		*7/10/01	*5/25/01
15. Ch. 101 – Solid Waste Comprehensive Planning	10/16/00	11/15/00	0279B	12/12/00	12/08/00	12/08/00	3/19/01	3/19/01	4/18/01	0634B	5/04/01	5/23/01
16. Ch. 102 – Permits – Emergency Response and Remedial Action Plans (ERRAP)	5/21/01	*6/13/01		*7/11/01			*8/20/01	*8/20/01	*9/19/01		*10/02/01	*10/24/01
17. Ch. 111 – Financial Assurance Requirements for Municipal Solid Waste Landfills	11/20/00	12/27/00	0365B	1/14/01	1/16/01	1/16/01	5/21/01	*5/21/01	*6/13/01		*7/20/01	*7/18/01
18. Ch. 118 – Removal of Disposal of PCBs from Appliances Prior to Processing	4/16/01	*5/16/01		*6/05/01			*6/18/01	*6/18/01	*7/11/01		*8/07/01	*8/15/01

## Monthly Variance Report

April, 2001

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Holnam, Inc.-Mason City	Air Quality	Cindy Garza, Env.Engr.-Holnam	Permit Requirements	Approved	04/18/01
2	Manildra Energy Corporation-Hamburg	Air Quality		Permit Requirements	Denied	04/11/01
3	Frazier Abandoned Rock Quarry Fill Project-Lee County	Solid Waste	Charles O. Frazier, Attorney	Permit Exemptions	Approved	04/05/01
4	Delhi Lake View Estates-Delhi	Watersupply Construction	Crawford Engineering & Surveying, Inc.	Siting Criteria	Approved	04/13/01

5	Four Oaks-Bertram Campus-Cedar Rapids	Watersupply Construction	Hall & Hall Engineers, Inc.	Construction Materials	Partial App.	04/02/01
6	Lakewood Addition-Fort Dodge	Watersupply Construction	Kuehl & Payer, Ltd.	Siting Criteria	Approved	04/02/01
7	Scarville Synod Lutheran Church-Winnebago County	Watersupply Construction	Yaggy Colby Associates	Construction Materials	Approved	04/24/01
8	Wescott Heights Subdivision-Part III-Johnson County	Watersupply Construction	MMS Consultants, Inc.	Construction Materials	Approved	04/13/01

During the period April 1, 2001, through April 30, 2001, 121 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance					Mode				
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other
October	60 (62)	3 (6)	42 (48)	14 (5)	22 (32)	32 (23)	0 (1)	1 (2)	1 (0)	4 (4)
November	57 (64)	4 (10)	39 (38)	14 (15)	19 (26)	32 (30)	0 (1)	4 (3)	1 (1)	1 (3)
December	44 (67)	0 (10)	28 (40)	16 (17)	10 (23)	31 (34)	0 (1)	1 (4)	0 (0)	2 (5)
January	55 (41)	7 (4)	36 (27)	12 (9)	13 (13)	33 (24)	0 (1)	0 (0)	0 (0)	9 (3)
February	58 (65)	0 (3)	43 (32)	15 (30)	14 (14)	36 (48)	0 (0)	4 (0)	1 (1)	3 (2)
March	81 (96)	3 (20)	56 (64)	22 (12)	21 (43)	49 (45)	1 (2)	2 (0)	2 (0)	6 (6)
April	121 (112)	31 (39)	70 (42)	20 (31)	34 (38)	75 (63)	3 (0)	4 (0)	0 (3)	5 (8)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	476 (507)	48 (92)	314 (291)	113 (119)	133 (189)	288 (267)	4 (6)	16 (9)	5 (5)	30 (31)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
22	15	17	17	27	23

During the period April 1, 2001, through April 30, 2001, 3 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	5 (6)	0 (0)	2 (3)	2 (2)	1 (1)	4 (6)	1 (0)	0 (0)	0 (0)	1 (2)

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November	3 (4)	0 (0)	2 (2)	1 (1)	0 (1)	3 (3)	0 (1)	0 (0)	0 (0)	1 (0)
December	2 (2)	0 (0)	1 (1)	1 (1)	0 (0)	2 (1)	0 (1)	0 (0)	0 (0)	0 (0)
January	1 (0)	0 (0)	1 (0)	0 (0)	0 (0)	1 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	4 (1)	0 (0)	4 (1)	0 (0)	0 (0)	4 (1)	0 (0)	0 (0)	0 (0)	2 (1)
March	2 (0)	0 (0)	1 (0)	1 (0)	0 (0)	1 (0)	1 (0)	0 (0)	0 (0)	0 (0)
April	3 (1)	0 (0)	1 (1)	0 (0)	2 (0)	3 (1)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>20 (14)</b>	<b>0 (0)</b>	<b>12 (8)</b>	<b>5 (4)</b>	<b>0 (0)</b>	<b>18 (12)</b>	<b>2 (2)</b>	<b>0 (0)</b>	<b>0 (0)</b>	<b>4 (3)</b>

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	2	0	1	0	0

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Pella Corporation, Carroll Co. (4)	Underground Tank	UST System Deficiencies	Order/Penalty \$4,320	3/30/01
Lifeline Emergency Vehicles, Sumner (1)	Air Quality	Construction Without Permit; Construction Contrary to Permit	Order/Penalty \$5,000	4/6/01
Joe and Jerry Rabe d/b/a Rabe Excavating, Blairstown (1)	Animal Feeding Operation	Uncertified Applicator	Order/Penalty \$1,000	4/6/01
Central Iowa Water Assoc., Newton (5)	Drinking Water Wastewater	Construction Without Permit; Construction Without Permit	Order/Penalty \$500	4/6/01
Winter Mobile Home Park, New Hampton (1)	Drinking Water	Monitoring/Reporting Bacteria; Operation Without Permit	– Referred to AG	4/16/01
Robert Condon; Home Asbestos & Lead Abatement, West Des Moines (5)	Air Quality	Asbestos	Referred to AG	4/16/01
McGill Asbestos Abatement, Harlan (4)	Air Quality	Asbestos	Order/Penalty \$4,000	4/18/01

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Shewry L.P.; Don Shewry, Davenport (6)	Wastewater	Operation Without Permit	Order/Penalty \$7,500	4/18/01
Plano, City of (5)	Wastewater	Prohibited Discharge	Order	4/18/01
West/High Amana Sanitary Sewer District, Iowa Co. (6)	Wastewater	Prohibited Discharge	Order	4/18/01
Open Bible Conference Ground, Ventura (2)	Drinking Water	Monitoring/Reporting Bacteria; MCL – Bacteria; Public Notice	Order/Penalty \$250	4/18/01
Iowa National Guard, 185 <sup>th</sup> Fighter Wing, Sioux City (3)	Air Quality	Construction Without Permit	Consent Amendment	4/20/01
Milk Unlimited Dairy Farm, Cass Co. (4)	Animal Feeding Operation	Prohibited Discharge – Confinement; Water Quality Violations – General Criteria	Order/Penalty \$3,000	4/23/01
Marvin Oberly, Burlington (6)	Wastewater	Stormwater – Operation Without Permit	Order/Penalty \$1,300	4/23/01
Donald Phillips and Marie Phillips, Milo (5)	Wastewater	Stormwater – Operation Without Permit	Order/Penalty \$1,300	4/23/01
James Kitchen d/b/a Kitchen Construction, Inc. Howard Co. (1)	Solid Waste Air Quality Flood Plain	Illegal Disposal; Open Burning; Other; Asbestos	Order/Penalty \$10,000	4/23/01
GMNW Investments, L.L.C., Hamburg (4)	Wastewater	Pollution Prevention Plan Violation	Order/Penalty \$5,000	4/25/01
Knox Properties, L.C., Cedar Rapids (1)	Underground Tank	Access Denial	Order	4/25/01
Country Stores of Carroll, Ltd., Carroll (2)	Underground Tank	Construction Deficiencies	Order/Penalty \$4,700	11/15/00
Ron Vincent, Ft. Dodge (2)	Wastewater	Operation Without Permit	Order/Penalty \$300	11/15/00
LeRoy Dammann; Richard Schmidt d/b/a R & C Enterprises; Manning Betterment Foundation, Manning (4)	Air Quality	Construction Without Permit; Asbestos	Consent Amendment	11/29/00
Envirobest, Inc., Cedar Rapids (1)	Air Quality	Asbestos	Consent Amendment	11/29/00
Hermitage Homes, Inc., Bettendorf (6)	Wastewater	Stormwater – Pollution Prevention Plan	Order/Penalty \$5,000	11/29/00
Sheaffer Manufacturing Co. d/b/a Sheaffer Pen Corp.,	Air Quality	Construction Without Permit	Order/Penalty \$2,000	11/29/00

Ft. Madison (6)

Metro Wrecking, Inc. d/b/a Metro Wrecking and Excavating, Des Moines (5)	Air Quality	Asbestos	Order/Penalty \$1,500	11/29/00
Rohlin Construction Co., Inc., Estherville (3)	Air Quality	Construction Without Permit	Order/Penalty \$10,000	11/29/00
James Harter, Brighton (6)	Wastewater	Stormwater – Operation Without Permit	Referred to AG	11/20/00
Johnston, City of (5)	Wastewater	Prohibited Discharge; Discharge Limits	Order	11/29/00
Super 20 Mobile Home Park, Dubuque (1)	Drinking Water	Public Notice	Order/Penalty \$500	11/29/00
Hitter's Sports Park, Cedar Rapids (1)	Drinking Water	Monitoring/Reporting – Nitrate; Public Notice	Order/Penalty \$300	11/29/00
Independence Mobile Home Park, Independence (1)	Drinking Water	Monitoring/Reporting – Bacteria; MCL – Bacteria; Operational Violations; Permit Renewal Fees; Public Notice	Order/Penalty \$800	11/29/00
Mid River Marina, Swisher (6)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Permit Renewal Fees; Public Notice	Order/Penalty \$250	11/29/00

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
Capitol Oil Co. (Oxford)	UT	6,560	10-09-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Weber Construction, Inc. (Cascade)	AQ	4,000	5-26-00
Steve Friesth (Webster Co.)	AQ/SW	4,000	6-05-00
Country Hills Water Corporation (Peosta)	WS	500	6-12-00
Martin Marietta Materials, Inc. (Ames)	AQ	5,000	6-12-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00

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* Rimade, Inc. (Manning)	SW/WW	1,000	8-01-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Coralville Lake Terrace Assoc. (Johnson Co.)	WS	1,500	9-05-00
Kathy's Korner (Dewar)	WS	500	9-06-00
Larrabee, City of	WS	250	9-11-00
John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	1,000	9-24-00
Osterdock Store (Guttenberg)	WS	500	10-16-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
American Legion – Swisher Post #671 (Swisher)	WS	500	12-25-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Mid River Marina (Swisher)	WS	250	2-03-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Malvern, City of	WW	1,000	2-29-01
* Robert Simon (Dubuque Co.)	AQ/SW	1,600	3-02-01
# Neal Anthony d/b/a Anthony's Trucking (LeMars)	AFO	3,000	3-03-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
* Lorene Logue (Lucas Co.)	AQ/SW	200	3-15-01
West Central Cooperative (Ralston)	WW	2,000	4-06-01
*#Roger Bockes, et. al. (Tama Co.)	AFO	2,750	4-15-01
* Seven Ponds Park (Sperry)	WS	300	4-15-01
Melsha Tap, Inc. (Swisher)	WS	300	5-06-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Jefferson, City of	WW	5,000	5-11-01
Al Luchtel d/b/a K & D Painting, Ltd. (Carroll)	SW/HC	2,000	5-11-01
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
Grace Community Church (North Liberty)	WS	500	5-14-01
* Michael Roberts (Page Co.)	AQ	450	5-15-01
* R.V. Hopkins, Inc. (Davenport)	AQ	700	5-16-01
Envirobate Management Services (Johnston)	AQ	3,000	6-04-01
R T & T, Inc. (Bancroft)	UT	600	6-04-01
Denny Wessels d/b/a Denny Wessels Transport (Bancroft)	UT	900	6-05-01
G. Michael Traul (Ottumwa)	UT	860	6-05-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
# Joe and Jerry Rabe d/b/a Rabe Excavating (Blairstown)	AFO	1,000	6-15-01
Central Iowa Water Association (Kellogg)	WS/WW	500	6-17-01
Lifeline Emergency Vehicles, Inc. (Sumner)	AQ	5,000	6-16-01
McGill Asbestos Abatement Co. (Harlan)	AQ	4,000	6-22-01
Shewry L.P.; Don Shewry (Davenport)	WW	7,500	6-23-01
Open Bible Conference Ground (Ventura)	WS	250	6-24-01
* Edward Degeus (Britt)	AQ	1,000	7-01-01
* Top of Iowa Cooperative (Hanlontown)	AQ	500	9-01-01
Onawa Country Club (Onawa)	WS	1,500	----
Pella Corporation (Carroll Co.)	UT	4,320	----
Max Dalhauser (West Bend)	UT	670	----
Independence Mobile Home Park (Independence)	WS	800	----
Deer Ridge Estates (Ottumwa)	WS	100	----
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000	----
# Milk Unlimited Dairy Farm (Cass Co.)	AFO	3,000	----
David and Marie Phillips (Milo)	WW	1,300	----
Marvin Oberly (Burlington)	WW	1,300	----
James Kitchen d/b/a Kitchen Construction (Howard Co.)	AQ/SW/FP	10,000	----
GMNW Investments, L.L.C. (Hamburg)	WW	5,000	----
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	----
Jemco, Inc.; Bud Nelson (Audubon)	UT	3,570	----

Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900	-----
<b>TOTAL</b>		<b>197,850</b>	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
Tire-Tech Environmental Systems, Inc. (Muscatine)	SW/WW	2,500	
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Peter Orth f/d/b/a Strauss Bros. Conoco (Burlington)	UT	9,400	1-31-00
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition; Clara Lindstadt (Des Moines Co.)	AQ/SW	1,000	7-01-00
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
James Harter (Fairfield)	WW	1,800	1-29-00
# Rustad Farms, Inc. (Butler Co.)	AFO	3,000	10-06-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 <sup>th</sup> Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Winter Mobile Home Park (New Hampton)	WS	2,500	11-19-00
Winter Mobile Home Park (New Hampton)	WS	1,000	6-13-00

* Home Asbestos & Lead Abatement Services (Johnston)	AQ	1,150	6-15-99
<b>TOTAL</b>		<b>170,904</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Frank Hulshizer (Benton Co.)	SW	500
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Leonard C. Page (Adams Co.)	SW	3,000
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Donald J. Foreman d/b/a D & R Feedlots (Woodbury Co.)	WW	3,000
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Clarence, City of	WW	3,000
Dallas County Care Facility (Adel)	WW	2,500
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Cliff's Place, Inc. (Waverly)	WS	1,500
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Biovance Technologies, Inc. (Oskaloosa)	AQ	4,000
Sac City, City of	WW	4,000
Pathway Christian School (Kalona)	WS	500
Wiese Corporation (Perry)	AQ	5,000
West Liberty, City of	WW	5,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600
West Union Cooperative Co. (West Union)	WW	10,000
Country Terrace Mobile Home Court (Boone)	WW	5,000
Country Terrace Mobile Home Court (Boone)	WS	5,000
Dayton, City of	WW	10,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
# Dan Gotto (Dubuque Co.)	AFO	3,000
# Matthew Daly (Dubuque Co.)	AFO	3,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
# Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
# Robert Fisher (Hamilton Co.)	AFO	3,000
Osceola, City of	WW	5,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants		

(Hamilton Co.)	AFO	3,000
# Leonard Rayonds; Randy Schleusner (Hancock Co.)	AFO	3,000
Wendall Abkes (Butler Co.)	AQ/SW	3,000
Benefit Water District #2 (Boone Co.)	WS	2,500
Minsa Corporation (Red Oak)	WW	10,000
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500
Bruening Rock Products, Inc. (Decorah)	WW	8,000
Minnesota Rubber Company (Mason City)	AQ	3,000
New Virginia Sanitary District (New Virginia)	WW	5,000
Meadowknolls Addition (Linn Co.)	WS	1,500
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000
Hawkeye Leisure Trailers, Limited (Humboldt)	AQ	2,000
Caraustar Paperboard Co. d/b/a Tama Paperboard (Tama)	AQ	1,000
LT Tap (Waucoma)	WS	500
Iowa State University Heating Plant (Ames)	AQ	1,000
Iowa Air National Guard – 185 <sup>th</sup> Fighter Wing (Sioux City)	AQ	1,000
Minnesota Mining and Manufacturing d/b/a 3M (Knoxville)	AQ	1,000
Martin Marietta Material, Inc. (Ames)	AQ	5,000
Alliant Energy Corp. d/b/a Alliant Transportation (Williams)	AQ	10,000
# Leo Pieper (Guthrie Co.)	AFO	2,500
Bettendorf, City of	WW	1,000
Quality Mat Co., Inc. (Waterloo)	AQ	8,500
Ajinomoto USA (Eddyville)	AQ	4,000
Boondocks Truck Haven (Williams)	WS	2,750
# Dan Witt (Clinton Co.)	AFO	3,000
Shell Rock Products, Inc. (Milford)	AQ	10,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
Kiefer Built, Inc. (Kanawha)	AQ	10,000
AGP Grain Cooperative (Klemme)	AQ	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000
Kinderland, Inc. (Dubuque)	WS	1,500
Brecht Enterprises, Inc. (Iowa Co.)	AQ/SW	4,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Casey's General Stores, Inc. (Waukee)	UT	3,800
Charles City, City of	WW	5,000
All-States Quality Foods, L.P. (Charles City)	WW	10,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Krajicek, Inc. d/b/a Krajicek Brothers (Harrison Co.)	AQ	10,000
Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt)	AQ	6,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
J.W. Ready Mix and Construction, Inc. (Ft. Dodge)	AQ	1,000
James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	3,000
Knox Corporation (Davenport)	UT	6,700
McDonald Construction, Inc.; Dwight McDonald (Eldora)	WW	2,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
L & L Book Properties; Larry L. Book (Sioux City)	WW	8,000
Braddyville, City of	WW	3,500
Westbrooke Construction Co.; Speer and Lepic (Polk Co.)	WW	4,000
Winter, Inc.; Julius Winter (Iowa Falls)	AQ/SW	500
Sapp Development LLC; Todd Sapp (Sioux City)	WW	1,500
Fred Konfrst d/b/a Fred's Trash Service (Mills Co.)	AQ/SW	5,000
Randy Drey (Storm Lake)	AQ/SW	2,000
John Saathoff (Grafton)	AQ	500
Don Anderson; Brentwood L.L.C. (Polk Co.)	WW	8,000

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# Floyd Kroeze (Butler Co.)	AFO	3,000
Sunnybrook Mobile Home Park (Polk Co.)	WW	5,000
Kay Enterprises, Inc. (Janesville)	AQ	10,000
Carter Lake, City of	SW	2,000
Jefferson, City of	WW	5,000
Forest City Cow Palace and Chuck Wagon Café (Forest City)	WS	250
# DEBCO, Inc. (Crawford Co.)	AFO	3,000
# Gary Stutzman (Washington Co.)	AFO	1,500
Casey's General Stores, Inc. (Aplington)	UT	2,500
Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.)	WW/SW	1,000
<b>TOTAL</b>		<b>467,160</b>

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
Seven Ponds Park (Sperry)	WS	200
* R & K Smith Farms, L.L.C. (Hardin Co.)	WW/HC	500
Pretty Women, Inc. d/b/a Beach Girls Bar (W. Des Moines)	WS	500
Exotic Attractions, Inc. d/b/a Foxy Lady (W. Des Moines)	WS	500
* R.V. Hopkins, Inc. (Davenport)	AQ	500
* Michael Roberts (Page Co.)	AQ	75
* R & K Smith Farms, L.L.C. (Hardin Co.) PAID IN FULL	WW/HC	1,500
<b>TOTAL</b>		<b>3,775</b>

Name, Location and Region	Program	Alleged Violation	DNR Action	New or Updated Status	Date
10 <sup>th</sup> Hole Food & Spirits Calamus	Drinking Water	Monitoring/Report ing – Bacteria, Nitrate	Order/Penalty	Referred	3/19/01
Affordable Removal, Inc.;	Asbestos			Referred	3/20/00
Jeffrey Intelkofer			Referred to	Petition Filed	4/19/00
Iowa City (6)	Air Quality	Asbestos	Attorney General	Motion for Partial Judgment	2/26/01 4/20/01
<b>UPDATED</b>				Ruling Denying Motion	
Affordable Removal, Inc.	Asbestos			Petition Filed	12/28/00
Jeffrey Intelkofer	Air Quality	DNR Defendant	Defense	Answer	1/18/01
Iowa City (6)					
<b>UPDATED</b>					
Castenson, David; Kristi A.	Wastewater	DNR	Defense	Petition Filed	7/17/00
Castenson, Barbara June		Defend		Motion to Strike	8/07/00
Cummins; Velma Castenson		ant		Answer	8/15/00
d/b/a B & D Farms				Petitioner's Motion to Adjudicate	10/03/00
Webster Co. (2)				Law Points	
				State's Resistance	10/16/00
Condon, Robert G.; Home	Air Quality	Asbestos		Order/Penalty	4/16/01
Asbestos				Referred	
and Lead Abatement					
West Des Moines (5)					
<b>NEW</b>					
Crane, John & Frieda d/b/a					
Hillside Mobile Home Park					
Ames (5)	Wastewater	Discharge Limits	Order	Referred	2/19/01

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Enviro Safe Air, Inc. Sioux City <b>UPDATED</b>	(3)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Trial Date Motion for Summary Judgment Hearing Consent Decree (\$3,000/Civil and Injunction)	10/18/99 03/17/00 05/15/01 02/27/01 03/26/01 05/01/01
Harter, James Brighton <b>UPDATED</b>	(6)	Wastewater	Stormwater – Operation Without Permit	Order/Penalty	Referred Motion for Judgment	11/20/00 05/04/01
Holnam Incorporated Mason City (2)		Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Huyser, James; Trucking Lovilia (5)	Trust	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Indian Creek Corp. Jasper Co. (5)		Animal Operation	Feeding Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred Petition Filled Trial	4/17/00 9/27/00 10/10/01
Larson, Daryl Jones Co. (1)		Animal Operation	Feeding Freeboard Cleanup Costs	Referred to Attorney General	Referred Petition Filed Answer	5/17/99 11/02/00 12/07/00
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	4/17/99
Lehigh Portland Cement Co. Mason City (2)		Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	8/17/98 11/05/99 10/29/01
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)		Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)		Wastewater	Discharge Limits	Order/Penalty	Referred	2/19/01
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)		Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Judgment	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00
Orth, Peter J. f/d/b/a Strauss Bros. Conoco		Underground Tank	Site Assessment; Remedial Action	Order/Penalty	Referred Petition Filed	3/20/00 8/01/00

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Burlington (6)

Phillips, Jeff; Phillips Recycling Story Co. (5)	Wastewater	Stormwater; Operation Without Permit	Order/Penalty	Referred Petition Filed	8/16/99 9/12/00
Rustad, Arlyn; Rustad Farms, Inc. Northwood (2)	Animal Operation	Feeding Confinement – Feedlot; General Criteria	Order/Penalty	Referred	1/16/01
White, Robert Jeff White, Dave Dallas Center (5) <b>UPDATED</b>	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed Answer Filed Trial Order (Clean-Up and Injunction) Penalty Hearing	4/20/98 2/05/99 9/24/99 11/15/99 12/06/99 1/31/01 2/27/01 8/01/01
Winter Mobile Home Park New Hampton (1) <b>NEW</b>	Drinking Water	Operation Without Permit; Monitoring/Reporting – Bacteria	Order/Penalty	Referred	4/16/01
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3) <b>UPDATED</b>	Underground Tank	Site Assessment	Referred to Attorney General	Referred Motion for Judgment Decree Consent (\$6,400/Admin.) Referred Petition Filed Defendant's Motion to Dismiss State's Resistance Denial of Defendant's Motion to Dismiss Motion for Partial Summary Judgment Hearing	1/17/95 8/28/96 12/13/96 3/30/98 9/01/00 9/08/00 9/19/00 11/07/00 2/16/01 4/26/01
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Ida Grove (3) <b>UPDATED</b>	Hazardous Condition	Site Access; Other	Referred to Attorney General	Referred Petition Filed Defendant's Motion to Dismiss State's Resistance State's Application for Temporary Injunction Hearing on Temporary Injunction Denial of Defendant's Motion to Dismiss Temporary Injunction Granted Motion for Summary Judgment Hearing	6/19/00 9/01/00 9/08/00 9/19/00 10/13/00 10/24/00 11/07/00 11/07/00 2/20/01 4/27/01

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Zook, Russell d/b/a Haskins    Air Quality  
 Recycling                      Solid Waste  
 Ainsworth                      (6)  
**UPDATED**

Open Burning;  
 Illegal Disposal

Order/Penalty

Referred                      5/17/99  
 Petition Filed              9/12/00  
 Entry Default              2/19/01

Date Received	Name of Case	F O	Action Appealed	Program	Assigned to	Status
11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Tack	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
5/08/90	Texaco Inc./Chemplex Co. Site	6	Site Registry	HW	Tack	Settlement offer to be renewed 3/00.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	<b>EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97. 12/28/99 – F.O. 5 letter to City regarding resolution of permit issues. 3/6/00 – F.O. 5 met with City concerning permit issues. 2/5/01 – WW drafting new permit. 4/30/01 – WW contacted regarding status of new permit.</b>
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	Closure permit issued 1/10/00. Closure to be completed by 9/1/01.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff. 2/28/00 – Letter to City attorney regarding setting for hearing. 3/00 – Dept. reviewing City Engineer's submittal.
9/09/94	American Coals Corp., Site 5 (Bussey)	5	Admin. Order/Penalty	SW/AQ	Tack	Release of closure funds approved by court. Case to be closed when transfer complete.
10/07/94	Titan Wheel	6	Admin.	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility

	International		Order/Penalty			regarding report. 3/2/00 – Letter to attorney regarding setting appeal for hearing. 3/23/00 – Response received from attorney regarding appeal. 9/18/00 – Meeting with Titan to discuss compliance, treatment agreement and permit. Company requested to submit BMR and Toxic Organic Management Plan. 10/25/00 – Titan staff met with Dept. to discuss Titan's treatment agreement with the City and other issues. 3/27/01 – Revised treatment agreement entered into between Titan and City of Walcott.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	<b>2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff. 2/1/00 – Report on compliance requested from FO and WW staff. 2/2/00 – Permit to be issued to facility. 6/29/00 – Status report on permit requested from WW permit staff. 9/00 – Per WW permit staff, company's engineer to submit further information prior to issuance of permit. 4/30/01 – Status report requested from WW section engineer.</b>
3/23/95	American Coals Corp.	5	Admin. Order	SW	Tack	Release of closure funds approved by court. Case to be closed when transfer complete.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96. 6/9/00 – Initial remedial measures completed. Final treatment system currently being designed.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	<b>Dept. letter to facility's engineer regarding resolving appeal. 1/3/00 – Revised WLA and permit limits sent to facility. 1/26/00 – Dept. letter to WW engineer regarding construction schedule to meet revised permit limits. 2/28/00 – Follow-up letter to City regarding construction schedule. 3/20/00 – Response from City attorney with agreement to submit construction schedule by 4/20/00. 4/27/00 – Discussion with City attorney regarding City's schedule. 6/14/00 – Letter received from attorney requesting meeting to discuss compliance schedule. 7/28/00 – Letter to City attorney scheduling meeting for 8/3/00. Letter from City attorney regarding scheduling a meeting. 9/25/00 – Meeting attended by FO5, city attorney and city engineer regarding compliance schedule. City to submit revised schedule by 11/15/00 for submittal of flow study and preliminary engineering report. 11/14/00 – Letter from City Engineer with proposed schedule. 4/1/01 – City to begin work on Plan of Action.</b>

						<b>10/31/01 – City to submit Plan of Action to Dept. for review.</b>
6/23/95	Leonard C. Page	4	Admin. Order/Penalty	SW	Tack	Settled pursuant to 1997 agreement. \$250 to be paid by 3/15/01.
7/03/95	Donald J. Foreman d/b/a D & R Feedlots	3	Admin. Order/Penalty	WW	Hansen	<b>2/1/00 – Report on compliance requested from FO. 2/7/00 – Status report received. Response to FO concerning resolving appeal. 3/28/00 Status report received from F.O. 5/1/01 – FO contacted regarding resolution of appeal.</b>
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	<b>Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96. 3/2/00 – Letter to attorney concerning appeal resolution. 3/17/00 – Letter received from company attorney. 5/1/01 – Letter to company attorney regarding settlement.</b>
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. Review progress. Proposed for state lead.
8/01/95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Referral for state lead. Resolve penalty.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Murphy	Negotiating before filing. Attorneys contacted 2/99.
12/12/95	Vernon Kinsinger; K & K Sanitation	6	Admin. Order/Penalty	AQ/SW	Tack	Clean-up progressing. Working with F.O. #6. Penalty settlement paid in full.
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	<b>1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed. 2/1/00 – Status report on compliance requested from FO 6. 2/2/00 – Dept. to send settlement offer to City. City has returned to compliance. 2/28/00 Settlement offer to City attorney. 3/30/00 – Follow-up letter to attorney. 4/21/00 – Contact by new City attorney. City will consider settlement offer at 5/8/00 City Council meeting and respond by 5/20/00. 5/1/01 – Letter to City attorney regarding settlement.</b>
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Compliance inspection 9/27/00. Satisfactory compliance achieved. Penalty settlement negotiations commenced.
3/11/96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	<b>4/01 – FO5 inspection. Facility is not in compliance.</b>
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	<b>6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96.</b>

						<b>Settlement offer received from facility - under review. 2/27/99 0 FO contacted regarding appeal resolution. 5/1/01 – FO5 contacted regarding resolution of appeal.</b>
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 – Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff. 2/29/00 – Response received from WQ engineer. Staff reviewing for decision.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead.
10/28/96	Fischer Controls International		Permit Conditions	WW	Hansen	Negotiating before filing.
2/19/97	Cliff's Place, Inc.	1	Admin. Order/Penalty	WS	Hansen	Compliance initiated. 3/31/00 – Appeal to be closed. New owner.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
8/05/97	Biovance Technologies	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	<b>5/1/01 – WW staff contacted regarding resolution of appeal.</b>
1/23/98	Sac City	3	Admin. Order/Penalty	WW	Hansen	<b>Status report received from city's consultant. 2/1/00 – Status report on WW compliance requested from FO 3. 2/28/00 – Settlement offer sent to attorney. 3/28/00 – City attorney letter received. 3/29/00 – Letter to attorney regarding scheduling settlement meeting and setting case for hearing. 4/17/00 – Dept. meeting with City attorney and officials to discuss settlement. 6/28/00 – Sent to DIA to be set for hearing. 7/25/00 – DIA set hearing for 9/20/00. 9/11/00 – City attorney filed motion for continuance to discuss settlement further. Hearing reschedule for 11/27/00. 11/22/00 – Settled. City to contribute \$2,400 for SEP to Sac Co. Conservation Board and repair biodisc at City's WWTF.</b>

						Settlement to be placed in administrative consent order. Consent order drafted. 4/27/01 – Consent order sent to City attorney for Mayor's signature.
3/16/98	Pathway Christian School	6	Admin. Order/Penalty	WS	Hansen	3/1/00 – Status report requested of FO. 3/2/00 – Status report received. 4/28/00 – Letter to WS concerning resolution of appeal. 5/1/01 – Status report requested from WS section regarding compliance.
4/03/98	Cooperative Oil Company; Mickey Berg	2	Admin. Order	UT/WW	Wornson	Compliance complete. Review and close. Monitoring required Spring 2000. Closed.
4/27/98	Weise Corporation	5	Admin. Order/Penalty	AQ	Brabec	Settled. Awaiting signed consent amendment.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
8/18/98	University of Iowa	6	Permit Conditions	WW	Hansen	Settlement offer sent 10/98. Follow-up letter sent 3/22/99. U of I to submit response to Dept. settlement offer by 5/28/99. Information submitted by U of I. Wastewater staff revised permit in response to information received. 3/9/01 – Settlement offer sent by Dept. 4/27/01 – U of I agreed in telephone conversation to send letter stating agreement with proposed permit amendment and requesting dismissal of appeal.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up near completion as of 6/20/00. Pallets 95% ground. Dept. assisting in identifying markets for mulch.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested. 2/1/00 – Status report requested of FO 6. 2/02/00 – Report received from FO. 2/28/00 – Letter to attorney to schedule meeting resolving appeal. 2/28/00 – Status report concerning I/I work received. 3/24/00 – Meeting scheduled for 4/14/00 to discuss resolving appeal. 4/14/00 – Met with City attorney and officials concerning appeal. 7/26/00 – Dept. settlement offer drafted/under review by Dept. staff. 3/01 and 4/01 – Enforcement/settlement discussions among Dept. staff.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Preziosi	Negotiating before filing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/WS	Murphy	5/1/01 – Preliminary engineering report approved 3/01; will monitor progress.

12/16/98	Richard Swailes		Permit Denial	FP	Clark	5/18/00 – Notification of imminent transfer to DIA. 7/5/00 – Appellant's attorney requests additional time for expert consultation.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Clean-up satisfactory. Settlement offer made 8/8/00.
2/05/99	West Union Cooperative Co.	1	Admin. Order/Penalty	WW	Murphy	<b>5/1/01 – Settlement close.</b>
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	<b>5/1/01 – City progressing on facility improvements. Will monitor for progress.</b>
3/08/99	Peter Bockenstedt	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Settlement close.
3/23/99	Matthew M. Daly	1	Admin. Order/Penalty	AFO	Clark	2/8/01 – Settlement offer by Daly. 2/27/01 Counter offer by Dept.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
7/27/99	Affordable Asbestos Removal; Jeffry Intlekofer	6	Admin. Order/Penalty	AQ	Brabec	Hearing held 4/28/00. Judgment for DNR Appeal filed. Awaiting transcripts and briefing schedule. Initial brief due 9/25/00. Scheduled to go before November EPC meeting. 11/20/00 – EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Record forwarded to Linn County Court and case given to the Attorney General.
8/13/99	Farmland Foods, Inc. (Dubuque)	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
9/08/99	Linwood Mining &	6	Permit	AQ	Preziosi	<b>Setting up meeting in May or June.</b>

	Minerals		Conditions			
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/13/99	CIPCO	1	NPDES Permit Conditions	WW	Hansen	<b>12/29/99 – Appeal reviewed by wastewater permit writer. 3/5/01 – Letter sent regarding resolution of appeal and Dept. position on appeal issues.</b>
9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	<b>5/1/01 – New MCL violation; letter to be sent.</b>
9/21/99	Farmland Foods, Inc. (Denison))	1	Construction Permit Conditions	AQ	Preziosi	Settlement close.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
11/10/99	Michael L. Roberts	4	Admin. Order/Penalty	AQ	Tack	Settled. \$750 payment plan. \$75 per month beginning 1/15/01.
11/12/99	Osceola, City of	5	Admin. Order/Penalty	WW	Hansen	<b>1/4/00 – FO 5 letter to City requesting complete plan of action by 5/15/00. 5/31/00 – Status report on plan of action submittal requested by FO. 6/28/00 – Sent to DIA to be set for hearing. 7/25/00 – DIA set hearing for 9/29/00. 8/17/00 – Meeting with city officials and engineer to discuss settlement. 9/20/00 – Joint motion for continuance filed with ALJ to allow parties more time to pursue settlement of penalty and SEP. 10/00 – Hearing continued until 11/28/00. 11/22/00 – Settled. Agreement to be place in administrative consent order. 1/29/01 – Consent order drafted and being reviewed by DNR staff. 3/28/01 – Dept. letter and consent order to City for signature. 5/01/01 – City contacted regarding status of Mayor signing consent order.</b>
11/12/99	Logan, City of	4	Admin. Order	WW	Hansen	<b>City requested new schedule because of additional time needed for condemnation proceedings due to change in statute. 2/22/00 – Dept. requested attorney and engineer submit revised schedule if needed in view of delays in condemnation. 2/28/00 – City submitted amended appeal with revised schedule. 10/25/00- New schedule received from City's engineer and approved by Dept. New schedule incorporated into proposed consent order. 12/20/00 – Minor adjustments to schedule by City engineer. 4/30/01 –</b>

						<b>Signed consent order received. Awaiting Director's signature.</b>
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	<b>Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01.</b>
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance nearly completed. Penalty negotiations to begin upon compliance.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	<b>Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01.</b>
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	6egotiating before filing.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/17/99	Edward Degeus	2	Admin. Order/Penalty	AQ	Brabec	Settled. Consent amendment issued. Penalty payment schedule established and on scheduled.
1/06/00	Wendall Abkes	2	Admin. Order/Penalty	AQ/SW	Tack	<b>\$1,300 penalty settlement paid 5/2/01.</b>
1/11/00	Farmland Industries	2	Permit Denial	AQ	Preziosi	Negotiating before filing.
1/20/00	New Virginia Sanitary District	5	Admin. Order	WW	Murphy	12/08/00 – Letter sent. Facility upgrade is proceeding; will monitor progress.
2/07/00	Benefit Water District #2	5	Admin. Order/Penalty	WS	Murphy	Negotiating before filing.
<b>2/11/00</b>	<b>Steven Reimers</b>	<b>3</b>	<b>Admin. Order/Penalty</b>	<b>AQ/SW</b>	<b>Brabec</b>	<b>Settled. Penalty plan established. Penalty paid in full. Closed.</b>
2/22/00	MINSA Corporation	4	Admin. Order/Penalty	WW	Murphy	11/30/00 – Letter sent. 1/15/01 – Letter from attorney regarding compliance progress. 4/1/01 – Facility is progressing towards compliance.
2/25/00	Meadow Knolls Addition	1	Admin. Order/Penalty	WS	Tack	<b>Penalty settled for \$400. Awaiting penalty payment.</b>
2/28/00	Bee Rite Tire Disposal Inc.; Jerry Yeomans	5	Admin. Order/Penalty	SW	Tack	<b>Proposed decision appealed by Bee Rite. Appeal to be presented to EPC 5/21/01.</b>
3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners	5	Admin. Order/Penalty	AQ	Preziosi	<b>Hearing set for 6/11/01.</b>
3/21/00	Bruening Rock Products, Inc.	1	Admin. Order/Penalty	WW	Clark	Negotiating before filing.
4/05/00	Minnesota Rubber	2	Admin. Order/Penalty	AQ	Preziosi	<b>Setting meeting for May.</b>

4/11/00	Hawkeye Leisure Trailers	2	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	<b>Tier 2 report submitted 11/28/00. High risk. review for further corrective action.</b>
4/21/00	LT Tap	1	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
4/24/00	Tama Paperboard	5	Admin. Order/Penalty	AQ	Preziosi	<b>Settled. Awaiting penalty payment.</b>
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	<b>City to file appeal of final NPDES permit. Prior notice of appeal was in response to draft permit. 10/4/00 – Informal meeting scheduled with city officials to discuss permit issues. Dept. staff discussing how to proceed. 1/31/01 – City Engr to submit preliminary engineering report. 2/28/01 – Dept. received City's preliminary engineering report. 3/2/01 – Dept. letter requesting a schedule G be submitted to complete the report. 3/7/01 – Incomplete schedule G submitted. 3/8/01 – Dept. letter of comments and request that schedule G be resubmitted with required information. 3/9/01 – Revised schedule G submitted. 4/30/01 – WW permit section engineer completed review of revised preliminary engineering report and drafted comment letter.</b>
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order/Penalty	SW/HC	Tack	District court ordered clean-up underway. Third party clean-up of site started 2/23/01. Final clean-up to be completed after thaw.
5/04/00	Iowa State University Heating Plant	5	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
5/10/00	3M Company	5	Admin. Order/Penalty	AQ	Preziosi	Letter sent 2/6/01 –awaiting response.
5/12/00	Martin Marietta Materials, Inc.	1	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
5/12/00	Iowa Air National Guard – 185 <sup>th</sup> Fighter Wing	3	Admin. Order/Penalty	AQ	Brabec	<b>Settled. Consent amendment issued. Awaiting documentation that tree planting (in lieu of penalty) has taken place.</b>
6/06/00	Alliant Energy	5	Admin. Order/Penalty	AQ	Preziosi	<b>Settled. Awaiting penalty payment.</b>
6/08/00	Leo Pieper	4	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/08/00	Ajinomoto	6	Admin. Order/Penalty	AQ	Brabec	<b>Waiting for company's reply to April letter.</b>

6/14/00	Bettendorf, City of	6	Admin. Order/Penalty	WW	Hansen	11/3/00 – Settled. Consent order drafted for signature by parties. 12/00 – Order signed and issued. 4/27/01 – City attorney mailed motion to dismiss to ALJ to close appeal.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Brabec	4/3/01 – Decision affirming the order.
7/10/00	Boondocks Truck Haven Café	5	Admin. Order/Penalty	WS	Hansen	Compliance initiated by facility. 9/00 – per attorney for café, disinfection system installed. 10/2/00 – FO 2 report as-builts need to be submitted for chlorination system and bacteria sampling plan needs to be updated. WS has begun submitting monthly reports. New WS permit to be issued. 3/23/01 – FO 2 inspection of new chlorination equipment. 4/6/01 – New WS operation permit issued. 4/18/01 – FO to visit WS.
7/10/00	Lincoln, City of	5	Admin. Order	WW	Hansen	10/5/00 – FO 5 to set up meeting with City to discuss resolving appeal. 11/21/00 – FO 5 requests that case be sent to DIA to be set for hearing. 5/1/01 – City engineer has not submitted final engineering report. 5/1/01 – Notice of appeal sent to DIA to be set for hearing.
7/12/00	Malvern, City of	4	Admin. Order/Penalty	WW	Hansen	Informal settlement meeting set for 10/12/00 at FO 4 to discuss schedule, penalty and SEPs. Dept to submit settlement offer to City. Hearing reset for 12/20/00. 12/18/00 – Settled. 1/29/01 – Consent order signed by both parties. 4/27/01 – Dept. sent joint motion to dismiss to City attorney with request he sign and send to ALJ to close appeal.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
7/31/00	Shell Rock Products, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Hearing set for 6/25/01.
8/02/00	Wacker Biochem Corp.	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/11/00	Loyal and Marilyn Rue; James and Elizabeth Fritz; De. Stephen McCargar; William and Jo Iverson; Dennis Pottratz; Cynthia Kay; Elyse Cohrs; Deanna Kloster; and Frank Holland (Wal- Mart)	1	Permit Issuance	FP	Clark	12/12/00 – Proposed decision. 1/13/01 – Appealed to EPC. 4/16/01 – EPC decision.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Negotiating before filing.

8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Awaiting penalty payment.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/07/00	Iowa City, City of	6	Consent Order	WW	Murphy	3/27/01 – Letter to City approving SEP.
9/27/00	Brecht Enterprises, Inc.	6	Admin. Order/Penalty	AQ/SW	Tack	<b>Settlement offer made to former attorney on 11/30/00. Offer renewed 5/2/01 directly to responsible party.</b>
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Negotiating before filing.
9/28/00	Kinderland, Inc.	1	Admin. Order/Penalty	WS	Hansen	<b>5/01/01 – WS still not in compliance with all monitoring requirements. 5/01/01 – Sent to DIA to be set for hearing.</b>
9/29/00	Charles City, City of	2	Admin. Order/Penalty	WW	Murphy	Negotiating before filing.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	12/28/00 – Hearing continued.
10/03/00	Casey's General Store (Waukeg)	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
10/03/00	All-States Quality Foods	2	Admin. Order/Penalty	WW	Murphy	<b>5/1/01 – Settlement proposal under review.</b>
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/04/00	Krajicek, Inc. d/b/a Krajicek Bros.; Sara and Leonard Krajicek	4	Admin. Order/Penalty	AQ	Preziosi	<b>Meeting set for 5/25/01.</b>
10/05/00	Sylvan Acres	1	Admin. Order	WS	Hansen	<b>10/30/00 – Call received from representative of WS concerning installation of required chlorination equipment on two wells at WS until their connection to rural water. Specifics of WS's return to compliance under discussion between WS representatives, FO 1 and Dept. WS section. 2/17/01 – WS to draft new permit to allow use of temporary pellet chlorinators until rural water becomes available. 5/1/01 – Permit status requested from WS section.</b>
10/05/00	J.W. Ready Mix & Construction	3	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Dodgen Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Meeting set for 4/24/01.

10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer made 11/14/00.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/13/00	L & L Book Properties, L.C.	3	Admin. Order/Penalty	WW	Murphy	<b>Settlement letter sent 4/30/01.</b>
11/17/00	Swisher American Legion - #671	6	Admin. Order/Penalty	WS	Tack	<b>Compliance to be reviewed through 10/01. Penalty negotiations to begin after review.</b>
11/17/00	McDonald Construction	2	Admin. Order/Penalty	WW	Tack	\$2,000 penalty settled for \$1,000; due 5/1/01.
11/17/00	James Nizzi d/b/a Alice's Spaghettiland	5	Admin. Order/Penalty	WS	Hansen	<b>Settlement conference held 1/17/01. Settlement offer drafted. 2/14/01 – WS completed public notice of violations. 5/1/01 – Settlement offer discussed with attorney for WS.</b>
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
11/21/00	Knox Corporation	6	Admin. Order/Penalty	UT	Wornson	Partial compliance. Negotiate penalty.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Partial compliance achieved. Waiting for alternative resolution proposal from Fansteel.
11/28/00	AGP Ag Processing (Emmetsburg)	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	<b>Mediation conducted 3/1/01. Compliance proposal submitted 4/2/01.</b>
12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	<b>4/30/01 – FO4 contacted regarding appeal and facility compliance with order.</b>
12/11/00	Westbrooke Construction Co.	5	Admin. Order/Penalty	WW	Murphy	<b>Settlement letter sent 4/26/01.</b>
12/12/00	Keokuk Landfill, Inc. and Keokuk Contractors, Inc.	6	Admin. Order	SW	Tack	<b>Negotiating. Hearing to be requested.</b>
12/12/00	University of Northern Iowa	1	Permit Modification Denial	AQ	Brabec	<b>Facility intends to resubmit the application.</b>
12/21/00	Winter, Inc.; Julius Winter	2	Admin. Order/Penalty	AQ/SW	Preziosi	Settlement meeting held 2/2/01. Still negotiating.
12/27/01	West Central Cooperative		Permit Denial	AQ	Preziosi	New case.
12/29/00	Johnston, City of	5	Admin. order	WW	Hansen	<b>2/1/01 – Meeting with City</b>

						<b>Administrator and Engineer. 2/1/01 – Petition to intervene filed with DIA. 4/20/01 – Letter to attorney who filed Petition to Intervene.</b>
1/08/01	Todd Sapp; Sapp Development L.C.	3	Admin. Order/Penalty	WW	Murphy	<b>Settlement letter sent 4/25/01.</b>
1/11/01	Guardian Industries	1	Permit Conditions	AQ	Preziosi	Negotiating before filing.
1/22/01	Country Fresh Eggs, L.L.C.	2	Permit Denial	WW	Murphy	<b>Hearing held 3/26/01. ALJ decision 4/26/01, affirming permit denial.</b>
1/22/01	Richard Bockes	5	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
2/05/01	Fred Konfrst	4	Admin. Order/Penalty	AQ/SW	Tack	Clean-up of site completed. Penalty discussions continuing.
2/07/01	Randy Drey	3	Admin. Order/Penalty	AQ/SW	Brabec	<b>Settled. Awaiting signed consent amendment.</b>
2/08/01	Con Agra	2	Permit Conditions	WW	Hansen	<b>4/30/01 – Settled. Company to send letter stating agreement with proposed permit amendment and withdrawing appeal.</b>
2/21/01	John Saathoff	2	Admin. Order/Penalty	AQ	Brabec	Negotiating before filing.
2/23/01	Don Anderson; Brentwood L.L.C.	5	Admin. Order/Penalty	WW	Murphy	Hearing set for 5/15/01.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/19/01	Sunnybrook Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	<b>5/1/01 – FO5 contacted regarding settlement and compliance with order.</b>
3/22/01	Kay Enterprises, Inc.	1	Admin. Order/Penalty	AQ	Brabec	<b>Negotiating before filing. Settlement meeting set for 5/14/01.</b>
3/27/01	Carter Lake, City of	4	Admin. Order/Penalty	SW	Tack	Negotiating before filing.
3/27/01	Bonaparte, City of	6	Permit Conditions	WW	Hansen	<b>3/28/01 – WW permits contacted for information on appeal issues.</b>
3/28/01	Jefferson, City of	4	Admin. Order/Penalty	WW	Hansen	<b>City to submit Plan of Action by 5/15/01.</b>
4/04/01	The Woods at Fox Hollow Homeowners Assn.	6	Permit Conditions	WS	Hansen	<b>New case. 4/18/01 – Discussion with appellant regarding compliance status of WS and permit appeal. FO6 to meet with appellant.</b>
4/05/01	Gary Stutzman	6	Admin. Order/Penalty	AFO	Clark	New case.

4/06/01	DEBCO Corp.	4	Admin. Order/Penalty	AFO	Clark	<b>New case. 4/18/01 – Settled. Payment plan established.</b>
4/10/01	Casey's General Stores (Aplington)	2	Admin. Order/Penalty	UT	Wornson	New case.
4/13/01	West Central Cooperative	4	Permit Denial	AQ	Preziosi	New case.
4/16/01	Forest City Cow Palace and Chuck Wagon Café	2	Admin. Order/Penalty	WS	Hansen	<b>New case. 4/10/01 – Discussion with café owner regarding appeal procedures and settlement.</b>
4/16/01	Richard Thompson; Thompson Auto Parts	5	Admin. Order/Penalty	SW/WW	Tack	New case.
4/27/01	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	New case.

During the period April 1, 2001, through April 30, 2001, 3 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events which includes flooding along the Mississippi River.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October	5(0)	1.4	1.4	4	0(0)
November	1(0)	10	0.001	1	0(0)
December	1(0)	1	.015	1	0(0)
January	5(0)	1.4	.323	3	0(0)
February	2(0)	1	.00035	0	0(0)
March	10(0)	1.4	.4199	1	0(0)
April	3(0)	1.1	0.057	1	0(0)
May					
June					
July					
August					
September					

(numbers in parentheses for same period last year)

Note: data not previously collected,  
thus no data for the previous year

Total Number of Incidents Per Field Office This Period:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
1	0	1	1	0	0

Mike Valde reviewed the reports for the Commission.

<b>INFORMATIONAL ONLY</b>
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**NOTICE OF INTENDED ACTION – CHAPTER 567 IAC 64.3 AND 65.4 – OPERATION PERMIT REQUIREMENTS**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Attached is a notice of intended action to commence rulemaking about the agreement recently reached between the Iowa Cattleman's Association and the Iowa DNR. This agreement spells out the conditions associated with the "Iowa plan" for bringing open feedlots into compliance with the rules of the Iowa DNR. Simply put, the plan provides incentives to feedlot operators to register their lots with the department. The act of registering provides several benefits to the lots, including:

- 1) No inspections of their facilities by EPA through the end of this year, unless there are extraordinary complaints received.
- 2) No routine inspections by the Iowa DNR
- 3) Protection from fines by the DNR because of lack of a permit.
- 4) Limited protection from fines for certain water quality violations as long as the feedlot is making progress in complying with existing regulations.
- 5) A five year time period with the goal of bringing all open lots into compliance.

This agreement was developed with the cooperation of ISU, IDALS, the ICA, Farm Bureau, several environmental groups, and the NRCS. While not all parties have fully agreed with this program approach, most will support the fact that this is moving in the right direction and it is a program that is in place and performing.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Mike Valde said certain open feed lots are required to be covered by the National Pollutant Discharge Elimination System (NPDES) permits, which the Department has not enforced over the past few years. Once the feed lots have registered the Department will work with them to prioritize those lots causing problems and help bring them into compliance. He said over 750 lots have registered to date.

Lengthy discussion followed.

<b>INFORMATION ONLY</b>
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Terry Townsend left at 4:30, Kathryn Murphy took over the chair.

**CONTESTED CASE APPEAL; REQUEST FOR REHEARING - LOYAL RUE, ET AL**

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

On July 27, 2000, the department issued Flood Plain Development Permit Number FP 00-148 to Wal-Mart Stores, Inc.. That action authorized the relocation of a stream, excavation of detention

basins, placement of riprap and fill, and construction of a building and parking lot on the flood plain of the Upper Iowa River. That action was appealed by Loyal Rue and others, and Frank Holland, and the matter proceeded to administrative hearing on October 20, 2000. The Administrative Law Judge issued A Proposed Decision on December 12, 2000. The decision affirms the issuance of the permit.

Mr. Rue, et al. appealed the Proposed Decision to the Commission. The Commission affirmed the decision at its April 16, 2001, meeting. Mr. Rue, et al. have filed a Request for Rehearing. You may grant the Request, deny it, or not act, in which case it will be deemed denied 20 days after filing.

The Commission chose to take no action on this item which has the effect of denying the request.

<b>NO ACTION TAKEN</b>
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## **GENERAL DISCUSSION**

Liz Christiansen said the Department received a letter from Tri-Rinse, which was one of the bidders on the Grell Waste Tire Stockpile. She said that Mel Pins from the Waste Tire Abatement Program would address the concerns in the letter for the Commission. She said in addition, Mr. Miner who addressed the Commission in April regarding the bidding process, met with Brian Gentry, General Council for the Governor's Office. Mr. Gentry issued a letter stating that he had reviewed the Department's bid review process and found that it was in order and was according to the process the Department had used in the past. Dave Dorf from the Attorney General's office conducted a second review of the process after the letter from Tri-Rinse and no inconsistencies were found.

Kathryn Murphy said that she and Terry Townsend had discussed the letter from Tri-Rinse and they agreed that the Commission decision should not be changed but the concerns in the letter needed to be addressed.

Mel Pins said there had been four bids for the Grell Stock Pile, one from Champlin Tire Recycling, Greenman Technologies, Tire Environmental, and Tri-Rinse. Once the bids were received they were rated on the price criteria, which was worth 40 points to the low bidder with fewer points awarded to the other bidders in relation to how much higher their bid was. On the technical side of the review process, the market, planned activity on site, and experience were looked at. After that criteria was applied the result was a tie at 64 points apiece between Greenman Technologies and Tri-Rinse. The main reason the Department decided against Tri-Rinse was because they had received a zero in the end market category because their end market had not been and would not be approved.

## **NEXT MEETING DATES**

June 18, 2001

July 16, 2001

August 20, 2001

**ADJOURNMENT**

<i>Motion was made by Rita Venner to adjourn. Seconded by Kelly Tobin. Motion carried unanimously.</i>
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With no further business to come before the Environmental Protection Commission, Chairman Townsend adjourned the meeting at 4:49 p.m., Monday, May 21, 2001.

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Jeffrey R. Vonk, Director

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Terrance Townsend, Chair

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Rita Venner, Secretary

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